

HOUSING (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part Six – Private Housing Conditions

Tenement management scheme

169. [Section 85\(1\)\(b\)](#) inserts a new section 4A in the Tenements (Scotland) Act 2004 (“the Tenements Act”). This allows local authorities to pay a missing share when the majority of owners in a tenement block have agreed to carry out work to repair or maintain their property, and one or more of the owners has not paid their share of the cost of the work (where the owner is unable or unwilling to do so, or where the owners cannot be identified or found). New section 4A(5) allows the local authority to recover the costs of the missing share and any associated administrative expenses from the owner on whose behalf it was paid. Before exercising this power, the local authority must notify the owner who has not paid a share that it intends to make the payment itself (new section 4A(4)).
170. [Section 85\(1\)\(d\)](#) amends rule 5 of the Tenement Management Scheme in schedule 1 to the Tenements Act, so that the other owners are not liable for the costs of another owner which are met by a share paid by a local authority.
171. [Section 85\(2\)](#) amends section 172 of the Housing (Scotland) Act 2006 (“the 2006 Act”) so that local authorities can use repayment charges to recover the costs of paying missing shares from the owner on whose behalf the missing share was paid.
172. [Section 85\(3\)](#) inserts a new section 174A in the 2006 Act so that the Scottish Ministers may make regulations to allow registered social landlords to recover by repayment charge the costs of missing shares paid for repair and maintenance work on behalf of private home owners in a tenement. Section 174A(3) requires the Scottish Ministers to carry out a consultation exercise before making any regulations. Section 85(4) provides that the regulations are to be made by affirmative procedure.