



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 8

COMPLIANCE

Step-in power: recovery of expenses

63 Step-in power: recovery of expenses

- (1) The Scottish Ministers may recover the expenses mentioned in subsection (2) from the person who failed to comply with the remedial notice (including any condition imposed on it) or (as the case may be) the registered remedial notice.
- (2) The expenses are—
 - (a) any expenses reasonably incurred by the Scottish Ministers in taking steps under section 59,
 - (b) any administrative expenses reasonably incurred by them in connection with recovering the expenses mentioned in paragraph (a), and
 - (c) interest, at such reasonable rate as the Scottish Ministers may determine, in respect of the period beginning on a date specified by the Scottish Ministers until the whole amount is paid.
- (3) The date specified under subsection (2)(c) must be after the date on which a demand for payment is served by the Scottish Ministers.
- (4) Each owner of the land is jointly and severally liable for the expenses and interest mentioned in this section.
- (5) Any sums recoverable under subsection (1) may be recovered as a debt.

64 Registration of notices of liability for expenses

The Scottish Ministers may apply to register a notice (a “notice of liability for expenses”) specifying—

- (a) the amount of the expenses payable in accordance with section 63(2)(a) and (b),
- (b) whether interest is payable under section 63(2)(c),
- (c) the action taken under section 59 to which those expenses relate,
- (d) a description of the land in respect of which an owner is liable under section 59, and
- (e) the effect of section 65 in relation to a new owner of that land.

65 Recovery of expenses from new owner of land

- (1) Subsection (2) applies where—
 - (a) a notice of liability for expenses is registered in relation to the land, and
 - (b) the notice was registered at least 14 days before the date on which a person (the “new owner”) acquires right to the land.
- (2) The new owner is severally liable with any former owner of the land for any expenses and interest for which the former owner is liable under section 63.
- (3) An owner of land who is liable for expenses and interest under section 63 does not cease to be liable for the expenses and interest by virtue only of ceasing to be the owner of the land.
- (4) Where a new owner pays any expenses and interest for which a former owner of the land is liable, the new owner may recover the amount so paid from the former owner.
- (5) A person who is entitled to recover an amount under subsection (4) does not cease to be entitled to recover that amount by virtue only of ceasing to be the owner of the land.

66 Registration of notices of discharge of liability for expenses

- (1) This section applies where liability for expenses and interest to which a registered notice of liability for expenses has been discharged.
- (2) The Scottish Ministers must apply to register a notice (a “notice of discharge of liability for expenses”) specifying—
 - (a) the date of registration of the notice of liability for expenses to which the notice of discharge relates,
 - (b) the action taken under section 59 to which that liability relates,
 - (c) a description of the land in respect of which an owner was liable under section 59, and
 - (d) that the liability for the expenses and interest has been discharged.
- (3) On registration, the notice of discharge discharges the notice of liability for expenses to which it relates.