

SCHEDULES

SCHEDULE 11

HOUSES IN MULTIPLE OCCUPATION: CONTROL ORDERS

PART IV

RECOVERY OF EXPENSES BY LOCAL AUTHORITY EXECUTING WORKS UNDER SECTION 164

- 11 (1) Sections 108(6) (exercise of power of local authority to secure repair of house in state of serious disrepair without prejudice to other powers) and 109 (recovery by local authority of expenses) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them in carrying out works under section 164 as they apply for the purpose of enabling a local authority to recover expenses incurred by them in executing works under section 108(3), but—
- (a) the person from whom such expenses may be recovered shall be the person on whom the notice was served, and
 - (b) if that person was only properly served with the notice as trustee, tutor, curator, factor or agent for or of some other person, then the expenses may be recovered either from him or from that other person, or in part from him and in part from that other person.
- (2) Sections 111 (Appeals) and 112 (Date of operation of notices etc.) shall apply in relation to a demand by a local authority for the recovery of such expenses and to an order made by a local authority with respect to any such expenses as they apply in relation to a demand for the recovery of expenses incurred by a local authority in executing works under section 108(3) and to an order made by a local authority with respect to any such expenses.
- (3) Where a local authority have incurred such expenses, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses; and Schedule 9 shall, with any necessary modifications, apply to a charging order so made in like manner as it applies to a charging order made under that Schedule.
- (4) If a local authority apply to the sheriff and satisfy him—
- (a) that any such expenses reasonably incurred by them (with the interest accrued due thereon) have not been, and are unlikely to be, recovered, and
 - (b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if those works had not been executed,
- the sheriff, if satisfied that that person has had proper notice of the application, may order him to make such payment or payments to the local authority as may appear to the sheriff to be just.