

SCHEDULES

SCHEDULE 19

Section 246(5).

CONSEQUENCES OF BREACH OF CONDITIONS OF IMPROVEMENT GRANT

- 1 —Subject to paragraphs 4 and 5, the local authority shall forthwith demand the repayment to them by the owner for the time being of the house of the whole amount of any sums paid by the authority by way of improvement grant in respect of the expenses incurred for the purpose of the execution of those works together with interest thereon for the period from the date of payment of the grant, or where the grant was paid in instalments, from the date of payment of the final settlement of the balance by the authority to the date of repayment to the authority.
- 2 —If the local authority are satisfied that the breach of any condition is capable of being remedied, they may, with the consent of the Secretary of State and subject to such conditions (if any) as he may approve, direct that the operation of section 246 shall in relation to the breach be suspended for such period as appears to them to be necessary for enabling the breach to be remedied and if the breach is remedied within that period may direct that the said provisions shall not have effect in relation to the breach.
- 3 —If the local authority are satisfied that the breach although not capable of being remedied was not due to the act, default or connivance of the owner for the time being of the house, they may, with the like consent and subject to such conditions as mentioned in paragraph 2, direct that the said provisions shall not have effect in relation to the breach.
- 4 —Upon the satisfaction of a liability of an owner of a house to make payment under paragraph 1 above to a local authority observance with respect to the house of the conditions specified in section 246 shall cease to be required.
- 5 —On the application of the local authority, the sheriff within whose jurisdiction is situated any house with respect to which the conditions specified in section 246 are for the time being required to be observed may, whether or not any other relief is claimed, grant an interdict restraining a breach or apprehended breach in relation to the house of any of those conditions.
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 - (1) In any case where in pursuance of paragraph 4, observance of any conditions specified in section 246 ceases to be required with respect to a house the local authority shall so state in the notice mentioned in sub-paragraph (2) or the record mentioned in sub-paragraph (3).
 - (2) Where the applicant for the grant was not a tenant-at-will, or was a tenant-at-will who, since applying, has acquired his landlord's interest in the tenancy the local authority shall cause to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be, a notice in the prescribed form.
 - (3) Where that applicant was, and continues to be, a tenant-at-will, the local authority shall keep a written record of the fact.

- (4) The cost of such recording in the Register of Sasines or such registration in the Land Register shall be repaid to the authority by the owner of the house.
- 7 —In the event of a breach of any of the conditions specified in section 246 at a time when they are required to be observed with respect to a house it shall be competent for the local authority to make a charging order in favour of themselves for the amount that becomes payable to them by virtue of this Schedule in consequence of such a breach, and the provisions of Schedule 9 shall, subject to any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under that Schedule.
- 8 —In this Schedule, "interest" means compound interest calculated at such reasonable rate as the local authority may determine and with yearly rests.