



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XVI

GENERAL AND MISCELLANEOUS

Miscellaneous

336 Limitation on liability of trustee etc. for expenses incurred by local authority.

- (1) Where a local authority seek to recover expenses incurred by them under any enactment in respect of work done on a house from a person mentioned in subsection (2), that person's liability shall, if he proves the matters mentioned in subsection (3), be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands.

In this section "house" includes a building which contains a house, or a part of such a building.

- (2) The person mentioned in subsection (1) is a person who receives the rent of the house as trustee, tutor, curator, factor or agent for or of some other person or as the liquidator of a company.
- (3) The matters that person requires to prove are—
- that he is a person mentioned in subsection (2); and
 - that he has not, and since the date of service on him of a demand for payment of the expenses has not had, in his hands on behalf of that other person or, in the case of a liquidator of a company, on behalf of the creditors or members of the company, sufficient funds, rents and other assets to pay those expenses in full.
- (4) Nothing in this section affects any right of a local authority to recover the whole or any part of those expenses from any other person.

Changes to legislation: *Housing (Scotland) Act 1987, Section 336 is up to date with all changes known to be in force on or before 20 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

- C1** S. 336 applied (27.8.1993) by 1993 c. 11, **ss. 62(2)(a)(ii)**, 68(2).
S. 336 applied (with modifications) (27.8.1993) by 1993 c. 12, **ss. 30(4)**, 51(2) (with **ss. 42, 46**).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)](#)[para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)