



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 7

#### REPAYMENT CHARGES

#### **173 Effect of registering repayment charges etc.**

- (1) A registered repayment charge is conclusive evidence that the charge specified in it has been created in respect of the living accommodation specified in it.
- (2) A registered repayment charge constitutes a charge on the living accommodation specified in it and has priority over—
  - (a) all future burdens and incumbrances on the same living accommodation, and
  - (b) all existing burdens and incumbrances on the same living accommodation except any charges created or arising under—
    - (i) any provision of the Public Health (Scotland) Act 1897 (c. 38) or any Act amending that Act,
    - (ii) any local Act authorising a charge for recovery of expenses incurred by a local authority,
    - (iii) Schedule 9 of the 1987 Act,
    - (iv) section 172, or
    - (v) any Act authorising advances of public money.
- (3) A registered repayment charge is enforceable at the instance of the local authority against any person deriving title to the charged living accommodation.
- (4) But it is not enforceable against—
  - (a) a third party who acquires right to the charged living accommodation (whether title has been completed or not) in good faith and for value before the repayment charge is registered, or
  - (b) any person deriving title from such third party.
- (5) A registered discharge of a repayment charge is conclusive evidence that the charge concerned has been discharged.