

## SCHEDULES

### <sup>F1</sup>SCHEDULE 2

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#### Textual Amendments

**F1** Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

- 23 In section 88 (which relates to the execution and cost of works required by an enforcement notice)—
- (a) after subsection (1) there shall be added the following subsection—
- “(1A) In computing the amount of the expenses which may be recovered by them under subsection (1) above, a planning authority may include in that amount such proportion of their administrative expenses as seems to them to be appropriate.” ; and
- (b) for subsections (3) and (4) there shall be substituted the following subsections—
- “(3) If on a complaint by the owner of any land it appears to the sheriff that the occupier of the land is preventing the owner from carrying out work required to be carried out by an enforcement notice, the sheriff may by warrant authorise the owner to go on to the land and carry out that work.
- (4) A planning authority taking steps under subsection (1) above may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal by the planning authority ; and where such materials have been sold the planning authority shall, after deducting therefrom any expenses recoverable by them from the owner, pay him the proceeds of such sale.
- (5) Where a planning authority seek, under subsection (1) above, to recover any expenses from a person on the basis that he is the owner of any land, and such person proves that—
- (a) he is receiving the rent in respect of that land merely as trustee, tutor, curator, factor or agent of some other person ; and
- (b) he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority, his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid ; but a planning authority who by reason of the foregoing provisions of this subsection

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 23. (See end of Document for details)*

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have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 23.