



# 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 [<sup>F1</sup>property] specified in it.
- (2) A registered repayment charge constitutes a charge on the [<sup>F2</sup>property] specified in it and has priority over—
  - (a) all future burdens and incumbrances on the same [<sup>F2</sup>property], and
  - (b) all existing burdens and incumbrances on the same [<sup>F2</sup>property] except any charges created or arising under—
    - <sup>F3</sup>(i) .....
    - (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 [<sup>F4</sup>property].
- (4) But it is not enforceable against—
  - (a) a third party who acquires right to the charged [<sup>F5</sup>property] (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.

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 173. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Word in s. 173(1) substituted (1.4.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 90(2)(a)**, 104(3); S.S.I. 2015/122, art. 2
- F2** Word in s. 173(2) substituted (1.4.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 90(2)(b)**, 104(3); S.S.I. 2015/122, art. 2
- F3** S. 173(2)(b)(i) repealed (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1
- F4** Word in s. 173(3) substituted (1.4.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 90(2)(c)**, 104(3); S.S.I. 2015/122, art. 2
- F5** Word in s. 173(4) substituted (1.4.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 90(2)(d)**, 104(3); S.S.I. 2015/122, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 173.