



The Scottish Parliament
Pàrlamaid na h-Alba

Local Government and Regeneration Committee

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Dear Ms Adams,

Defective and Dangerous Buildings (Recovery of Expenses) (Scotland) Bill

The Local Government and Regeneration Committee are considering David Stewart's above Members Bill at Stage 1. The Bill seeks to reintroduce charging orders allowing local authorities to recover expenses incurred after carrying out work to defective or dangerous buildings.

The Committee would welcome information from Registers of Scotland in advance of oral evidence sessions to inform them on your role. It is anticipated that provision of written information will obviate any need to take oral evidence from your office.

As explained by Mr Stewart a charging order is 'a form of statutory charge which attaches to land and property, for example, in relation to the repayment of a loan, recovery of expenses incurred or grants made. Charging orders usually provide for the repayment of a capital sum, often by instalments. The charging order is registered in the Land Register or, where appropriate, the Register of Sasines (gradually being replaced by the Land Register).' The proposal is, in effect, to reinstate provisions which were available to local authorities under the Building (Scotland) Act 1959, but were repealed by the Building (Scotland) Act 2003. The reason for repeal is not disclosed.

The Policy Memorandum also notes that charging orders are used in 'a number of Acts' and in a 'housing and building repair context' as well as 'health and social care'. The scope and processes appear to vary under each provision.

The Committee would welcome any detail that you were able to provide about the operation of charging orders and their registration with the Keeper of the Registers. In particular it would be helpful if you were able to provide the following specific information:

- Detail on the various legislation under which you register charging orders.
- The number of registrations made.
- The number of discharges made.
- Any information you hold covering periods between registration and discharge.
- The fees charged for registration and discharge.
- Your costs in handling registration and discharge.

In addition any information you hold in relation to registration under the 1959 Act would be of interest as would any comment you wished to make on the general approach proposed by this Bill.

It would be helpful to have the above information by 18 December. Should you wish to discuss any aspect of this request please contact either myself or Fiona Sinclair in this office.

Yours sincerely,

David Cullum
Clerk to the Local Government and Regeneration Committee