



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 1

#### REGISTRATION OF PROPERTY FACTORS

##### *Appeals*

#### **11 Appeal against refusal to register or removal from register**

- (1) This section applies where the Scottish Ministers—
  - (a) refuse to enter a person in the register under section 4(5), or
  - (b) remove a property factor from the register under section 8(1).
- (2) A person mentioned in subsection (1)(a) or (b) (“the applicant”) may, not later than 21 days after the day on which the responsible person receives notice under section 6 or 8(7), appeal to the sheriff against the refusal or, as the case may be, removal.
- (3) After giving the parties an opportunity to be heard, the court may, if it considers that it is reasonable to do so having regard to the factors mentioned in subsection (4), require the Scottish Ministers to enter the applicant in the register.
- (4) The factors are—
  - (a) in a case where the applicant has not previously been registered, that the applicant is a fit and proper person to be a property factor,
  - (b) in any other case, the conditions mentioned in section 4(4)(b).
- (5) Section 5 applies for the purposes of this section as it applies for the purposes of section 4, but with the references to the Scottish Ministers being read as references to the court.
- (6) The court is to give reasons for its decision under subsection (3) in writing.
- (7) An entry made by virtue of subsection (3) is to be treated as if—
  - (a) in a case where the applicant has not previously been registered, it is an entry made by virtue of section 4(4)(a),
  - (b) in any other case, it is an entry made by virtue of section 4(4)(b).
- (8) An appeal under subsection (2) is to be made by summary application to the sheriff.

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**Changes to legislation:** There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Cross Heading: Appeals. (See end of Document for details)

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- (9) An appeal on a point of law only against the decision of a sheriff on an application under subsection (2) may be made to the sheriff principal.
- (10) An appeal under subsection (9) must be made not later than 21 days after the day on which the decision appealed against is made.
- (11) The decision of the sheriff principal on an appeal under subsection (9) is final.

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**Commencement Information**

**II** S. 11 in force at 1.7.2012 by S.S.I. 2012/149, art. 2, sch. (with art. 3)

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