



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 2

#### DISPUTE RESOLUTION

##### *General*

- 26 Recovery of costs from property factors in relation to certain applications and orders**
- (1) The Scottish Ministers may by regulations make provision about the recovery of relevant costs from property factors where—
- (a) the president of the homeowner housing panel refers an application to a homeowner housing committee under section 18(1)(a),
  - (b) a homeowner housing committee makes a property factor enforcement order against a factor.
- (2) In this section, “relevant costs” means costs incurred by—
- (a) the homeowner housing panel,
  - (b) the president of the panel,
  - (c) homeowner housing committees,
- in relation to the exercise of functions conferred by sections 16 to 25 of this Act.
- (3) Regulations under subsection (1) may in particular—
- (a) provide for charges to be imposed on property factors,
  - (b) provide for charges to be imposed in either or both of the circumstances referred to in subsection (1),
  - (c) provide for different charges to be imposed in different cases or different classes of case,
  - (d) confer functions (including functions relating to the imposition and determination of charges) on—
    - (i) the homeowner housing panel,
    - (ii) the president of the panel,
    - (iii) homeowner housing committees,

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*Status: This is the original version (as it was originally enacted).*

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- (e) make provision about how charges may be recovered.
- (4) The Scottish Ministers must, in exercising their functions under subsection (1), secure that the income from any charges imposed by virtue of the regulations does not exceed the relevant costs.
- (5) Regulations under subsection (1) may modify any enactment (including this Act).
- (6) Regulations under subsection (1) are not to be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, the Scottish Parliament.