



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 1

#### REGISTRATION OF PROPERTY FACTORS

##### *Registration*

#### **5 Section 4: considerations**

- (1) In deciding for the purposes of section 4(4)(a) or (b)(i) whether a person is a fit and proper person to be a property factor, the Scottish Ministers are to have regard (among other things) to any material falling within subsections (2) to (4).
- (2) Material falls within this subsection if it shows that any person who is (or is to be) directly concerned with the control or governance of the property factor, has—
  - (a) been convicted of any offence involving—
    - (i) fraud or other dishonesty,
    - (ii) violence, or
    - (iii) drugs,
  - (b) practised unlawful discrimination on the grounds of any of the protected characteristics in Part 2 of the Equality Act 2010 (c.15), or
  - (c) contravened any provision of the law relating to tenements, property or debt.
- (3) Material falls within this subsection if it shows the extent to which any other property factor with which the person (or any other person who is, or is to be, directly concerned with the control or governance of the property factor) is or has previously been involved demonstrates or demonstrated compliance with—
  - (a) the property factor code of conduct, and
  - (b) any property factor enforcement order made against that other property factor by [<sup>F1</sup>the First-tier Tribunal] .
- (4) Where the person is, or has previously been, registered, material falls within this subsection if it shows that the person has failed to pay any charges imposed by virtue of section 26.

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*Changes to legislation: There are currently no known outstanding effects for the  
Property Factors (Scotland) Act 2011, Section 5. (See end of Document for details)*

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**Textual Amendments**

- F1** Words in s. 5(3)(b) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 3** (with sch. 1 para. 5)
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**Commencement Information**

- I1** S. 5 in force at 1.7.2012 by [S.S.I. 2012/149](#), art. 2, **sch.** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 5.