

**Changes to legislation:** Housing (Scotland) Act 2014, Cross Heading: Housing (Scotland) Act 1988 (c.43) is up to date with all changes known to be in force on or before 10 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 1 **S** TRANSFER OF JURISDICTION TO FIRST-TIER TRIBUNAL

### PART 1 **S**

#### REGULATED TENANCIES, PART VII CONTRACTS AND ASSURED TENANCIES

##### *Housing (Scotland) Act 1988 (c.43)*

32 The Housing (Scotland) Act 1988 is amended as follows.

#### Commencement Information

**I1** Sch. 1 para. 32 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

33 In section 16(2), for “sheriff” substitute “ First-tier Tribunal ”.

#### Commencement Information

**I2** Sch. 1 para. 33 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

34 In section 17(8), for “sheriff” substitute “ First-tier Tribunal ”.

#### Commencement Information

**I3** Sch. 1 para. 34 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

35 In section 18—

- (a) in subsection (1), for “sheriff” substitute “ First-tier Tribunal ”,
- (b) in subsection (3)—
  - (i) for “sheriff” substitute “ First-tier Tribunal ”,
  - (ii) for “he” substitute “ the Tribunal ”,
- (c) in subsection (3A)—
  - (i) for “sheriff” substitute “ First-tier Tribunal ”,
  - (ii) for “he” substitute “ the Tribunal ”,
- (d) in subsection (4)—
  - (i) for “sheriff” substitute “ First-tier Tribunal ”,
  - (ii) for “he”, in both places it occurs, substitute “ the Tribunal ”,
- (e) in subsection (4A), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
- (f) in subsection (6), for “sheriff” substitute “ First-tier Tribunal ”,
- (g) in subsection (6A), for “sheriff” substitute “ First-tier Tribunal ”,
- (h) in subsection (7), for “sheriff” substitute “ First-tier Tribunal ”.

#### Commencement Information

**I4** Sch. 1 para. 35 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 36 In section 19—
- (a) in subsection (1)—
    - (i) for “sheriff” substitute “ First-tier Tribunal ”,
    - (ii) in paragraph (b), for “he” substitute “ the Tribunal ”,
  - (b) in subsection (2), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
  - (c) in subsection (5), for “sheriff” substitute “ First-tier Tribunal ”.

**Commencement Information**

**I5** Sch. 1 para. 36 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 37 In section 20—
- (a) in subsection (1)—
    - (i) for “sheriff” substitute “ First-tier Tribunal ”,
    - (ii) for “he” substitute “ the Tribunal ”,
  - (b) in subsection (2)—
    - (i) for “sheriff” substitute “ First-tier Tribunal ”,
    - (ii) for “he” substitute “ the Tribunal ”,
  - (c) in subsection (3)—
    - (i) for “sheriff” substitute “ First-tier Tribunal ”,
    - (ii) for “he”, in both places it occurs, substitute “ the Tribunal ”,
  - (d) in subsection (4)—
    - (i) for “sheriff” substitute “ First-tier Tribunal ”,
    - (ii) for “he” substitute “ the Tribunal ”,
  - (e) in subsection (6), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
  - (f) the title becomes “ **Extended discretion of First-tier Tribunal in possession claims** ”.

**Commencement Information**

**I6** Sch. 1 para. 37 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 38 In section 21(3)—
- (a) for “sheriff” substitute “ First-tier Tribunal ”,
  - (b) for “he” substitute “ Tribunal ”.

**Commencement Information**

**I7** Sch. 1 para. 38 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 39 In section 22—
- (a) in subsection (1), for “sheriff” substitute “ First-tier Tribunal ”,
  - (b) in subsection (2), for “sheriff” substitute “ First-tier Tribunal ”.

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**Commencement Information**

**I8** [Sch. 1 para. 39](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

40 In section 25(7), for “sheriff” substitute “ First-tier Tribunal ”.

**Commencement Information**

**I9** [Sch. 1 para. 40](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

41 In section 28(1), for “sheriff” substitute “ First-tier Tribunal ”.

**Commencement Information**

**I10** [Sch. 1 para. 41](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

42 In section 29, for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

**Commencement Information**

**I11** [Sch. 1 para. 42](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

43 In section 30(2)—

- (a) the word “summary” is repealed,
- (b) in the opening words, for “sheriff” substitute “ First-tier Tribunal ”,
- (c) in paragraph (a), for “him” substitute “ the Tribunal ”,
- (d) in paragraph (b), for “he” substitute “ the Tribunal ”,
- (e) in the closing words—
  - (i) for “sheriff” substitute “ Tribunal ”,
  - (ii) for “he” substitute “ the Tribunal ”.

**Commencement Information**

**I12** [Sch. 1 para. 43](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

44 In section 33—

- (a) in subsection (1)—
  - (i) for “sheriff” substitute “ First-tier Tribunal ”,
  - (ii) for “he” substitute “ the Tribunal ”,
- (b) in subsection (4), for “sheriff” substitute “ First-tier Tribunal ”.

**Commencement Information**

**I13** [Sch. 1 para. 44](#) in force at 1.12.2017 by [S.S.I. 2017/330](#), [art. 3](#), [sch.](#)

45 In section 36—

- (a) after subsection (4) insert—

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- “(4A) Any action to enforce liability arising from this section must be raised in the First-tier Tribunal unless the residential occupant's claim is founded on the premises in question being subject to a Scottish secure tenancy or to a short Scottish secure tenancy (within the meaning of the Housing (Scotland) Act 2001 (asp 10)).”,
- (b) in subsection (6)(b), after “sheriff” insert “ or First-tier Tribunal ”,
- (c) in subsection (6B), after “court”, in both places it occurs, insert “ or, as the case may be, the First-tier Tribunal ”.

**Commencement Information**

**I14** Sch. 1 para. 45 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 46 In section 42(1)(c)—
- (a) in sub-paragraph (i), for “court”, where it first occurs substitute “ First-tier Tribunal ”,
- (b) in sub-paragraph (ii), for “court”, where it first occurs, substitute “ First-tier Tribunal ”,
- (c) in sub-paragraph (iii), after “possession” insert “ the First-tier Tribunal or, as the case may be, ”.

**Commencement Information**

**I15** Sch. 1 para. 46 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 47 In section 55(1), after the definition of “council tax” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”.

**Commencement Information**

**I16** Sch. 1 para. 47 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 48 In Schedule 5—
- (a) in grounds 1, 2, 5 and 7, for “sheriff”, in each place it occurs, substitute “ First-tier Tribunal ”,
- (b) the title of Part I becomes “ **Grounds on which First-tier Tribunal must order possession** ”,
- (c) the title of Part II becomes “ **Grounds on which First-tier Tribunal may order possession** ”,
- (d) in paragraph 2 of Part III—
- (i) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ”,
- (ii) in paragraph (b), for “sheriff” substitute “ Tribunal ”,
- (iii) in the closing words, for “sheriff” substitute “ Tribunal ”,
- (e) in paragraph 3(1)(a) of that Part, for “sheriff” substitute “ First-tier Tribunal ”.

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**I17** Sch. 1 para. 48 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1)  
(a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)