



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 2

#### DISPUTE RESOLUTION

##### *Effect of failure to comply with property factor enforcement order*

#### **24 Property factor enforcement order: offences**

- (1) A person who, without reasonable excuse, fails to comply with a property factor enforcement order commits an offence.
- (2) For the purposes of subsection (1), a person has reasonable excuse for failing to comply with a property factor enforcement order if—
  - (a) the person is unable to comply with the order because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights, or
  - (b) any action required by the order is likely to endanger any person.
- (3) Subsection (2) does not affect the generality of the defence of reasonable excuse.
- (4) A person cannot be guilty of an offence under subsection (1) unless the [<sup>F1</sup>First-tier Tribunal] which made the property factor enforcement order in question [<sup>F1</sup>has] decided under section 23(1) that the property factor has failed to comply with it (but such a decision does not establish a presumption that the person has committed an offence under subsection (1)).
- (5) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Textual Amendments**

- F1** Words in s. 24(4) 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. 12](#) (with [sch. 1 para. 5](#))

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**Changes to legislation:** There are currently no known outstanding effects for the  
Property Factors (Scotland) Act 2011, Section 24. (See end of Document for details)

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**Commencement Information**

**II** S. 24 in force at 1.10.2012, see s. 33(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Section 24.