



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 1

#### REGISTRATION OF PROPERTY FACTORS

##### *Registration*

### **3 Application for registration**

- (1) A person who is, or intends to become, a property factor may apply to the Scottish Ministers for entry in the register.
- (2) An application under subsection (1) must specify—
  - (a) the full name and business address of the person, and if formed and registered under the Companies Acts, the company's registered number,
  - (b) whether the person is trading as a sole trader, partnership or company or has some other legal status,
  - (c) where the person is not trading as a sole trader, the full name and business address of the individual who holds the most senior position within the management structure of the partnership, company or body which is (or is to be) directly concerned with the control or governance of the property factor,
  - (d) the full name and address of any other person who is (or is to be) directly concerned with the control or governance of the property factor,
  - (e) any dwelling houses, flats or land in relation to which the person acts, or expects to act, as a property factor, and
  - (f) such other information as the Scottish Ministers may by regulations prescribe.
- (3) An application under subsection (1) must be—
  - (a) signed by the responsible person, and
  - (b) subject to subsection (4), accompanied by such fee as the Scottish Ministers may determine.
- (4) Subject to subsection (5), the Scottish Ministers may by regulations prescribe for the purposes of subsection (3)(b)—
  - (a) fees,
  - (b) how fees are to be arrived at,

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*Changes to legislation: There are currently no known outstanding effects for the  
Property Factors (Scotland) Act 2011, Section 3. (See end of Document for details)*

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- (c) cases in which no fee is payable.
- (5) The Scottish Ministers must secure that, taking one financial year with another, the income from fees under this section and section 7 does not exceed the total cost incurred in exercising their functions under this Part.
- (6) A person who, in an application under this section—
  - (a) specifies information which the person knows is false in a material particular, or
  - (b) knowingly fails to specify information required by subsection (2),is guilty of an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) For the purposes of subsection (2)(d) and section 5, persons who are directly concerned in the control or governance of a property factor include any person who owns 25% or more of the equity in a business which is a property factor.
- (9) In this Part, the “responsible person” is—
  - (a) where the person making the application under subsection (1) is a sole trader, that person,
  - (b) in any other case, the person specified in the application by virtue of subsection (2)(c).

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**Commencement Information**

- I1** S. 3 in force at 23.9.2011 for specified purposes by S.S.I. 2011/328, art. 2, **sch.**
- I2** S. 3 in force at 1.7.2012 in so far as not already in force 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 3.