



# Property Factors (Scotland) Act 2011

## 2011 asp 8

### PART 1

#### REGISTRATION OF PROPERTY FACTORS

##### *Removal from register etc.*

#### **8 Removal from register**

- (1) Subject to subsections (4) and (6), the Scottish Ministers may remove a property factor from the register if subsection (2) or (3) applies.
- (2) This subsection applies where a property factor is registered by virtue of section 4(4) (a) and the Scottish Ministers consider that—
  - (a) the property factor is no longer a fit and proper person to be registered as a property factor,
  - (b) the property factor has failed to comply with section 13(3), or
  - (c) the property factor has failed to demonstrate compliance with—
    - (i) the property factor code of conduct, or
    - (ii) any property factor enforcement order made against the property factor by [<sup>F1</sup>the First-tier Tribunal] .
- (3) This subsection applies where a property factor is registered by virtue of section 4(4) (b) and the Scottish Ministers consider that one or more of the conditions specified in sub-paragraphs (i) to (iv) of that section is no longer met.
- (4) Before removing a property factor from the register under subsection (1) the Scottish Ministers must—
  - (a) give notice to the responsible person that removal under that subsection is under consideration, and
  - (b) allow the property factor an opportunity to make representations to them.
- (5) Notice under subsection (4) must be accompanied by a written statement of the Scottish Ministers' reasons for proposing to remove the property factor from the register under subsection (1).

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*Changes to legislation: There are currently no known outstanding effects for the  
Property Factors (Scotland) Act 2011, Section 8. (See end of Document for details)*

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- (6) The Scottish Ministers must not remove the property factor from the register under subsection (1) unless they are satisfied, after taking account of any representations made to them under subsection (4)(b), that subsection (2) or (3) applies.
- (7) Where the Scottish Ministers decide to remove a property factor from the register under subsection (1), they must, as soon as practicable after doing so, give notice of that fact (and the date of removal, which must be a date no less than 21 days after the date notice is given under this subsection) to the responsible person and give public notice of the date of removal.

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#### **Textual Amendments**

- F1** Words in s. 8(2)(c) 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. 4](#) (with [sch. 1 para. 5](#))

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#### **Commencement Information**

- I1** S. 8 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 8.