

Status: Point in time view as at 01/12/2017. This version of this part contains provisions that are prospective.
Changes to legislation: Housing (Scotland) Act 2014, PART 1 is up to date with all changes known to be in force on or before 13 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)

SCHEDULE 1 TRANSFER OF JURISDICTION TO FIRST-TIER TRIBUNAL

PART 1

REGULATED TENANCIES, PART VII CONTRACTS AND ASSURED TENANCIES

Rent (Scotland) Act 1984 (c.58)

1 The Rent (Scotland) Act 1984 is amended as follows.

Commencement Information

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

2 In section 7(2), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

3 In section 11—
(a) in subsection (1)—
(i) for “a court” substitute “ the First-tier Tribunal ”,
(ii) for “the court”, in each place it occurs, substitute “ the Tribunal ”,
(b) in subsection (2), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

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

4 In section 12—
(a) in subsection (1), for “a court” substitute “ the First-tier Tribunal ”,
(b) in subsection (2), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
(c) in subsection (3), for “court” substitute “ First-tier Tribunal ”,
(d) in subsection (4), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

5 In section 19(1), for “a court” substitute “ the First-tier Tribunal ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 6 In section 21, for “court”, where it first occurs substitute, “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 7 In section 23(1), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.12.2017 for specified purposes by S.S.I. 2017/330, art. 3, sch.

- 8 In section 24—
- (a) in subsection (3), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (b) in subsection (4), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (c) in subsection (5), for “court” substitute “ First-tier Tribunal ”,
 - (d) in subsection (6), for “court” substitute “ First-tier Tribunal ”,
 - (e) in subsection (7), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (f) in subsection (8), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

PROSPECTIVE

- 9 In section 25(1), the definition of “the court” is repealed.

- 10 In section 26, for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I9 Sch. 1 para. 10 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 11 Section 27 is repealed.

Commencement Information

I10 Sch. 1 para. 11 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 12 In section 31(2)—
- (a) for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph (b), for “sheriff” substitute “ First-tier Tribunal ”.

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Commencement Information

I11 Sch. 1 para. 12 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 13 In section 32—
- (a) in subsection (4), for “sheriff”, in each place it occurs, substitute “ First-tier Tribunal ”,
 - (b) in subsection (5), for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I12 Sch. 1 para. 13 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 14 In section 35(12), after “court” insert “ or tribunal ”.

Commencement Information

I13 Sch. 1 para. 14 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 15 In section 39—
- (a) for “a court” substitute “ the First-tier Tribunal ”,
 - (b) for “the court”, in both places it occurs, substitute “ the Tribunal ”,
 - (c) for “direct the clerk of court to correct” substitute “ order the correction of”.

Commencement Information

I14 Sch. 1 para. 15 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 16 In section 43B(4)(b), after “court” insert “ or tribunal ”.

Commencement Information

I15 Sch. 1 para. 16 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 17 In section 45(3), after “court” insert “ or tribunal ”.

Commencement Information

I16 Sch. 1 para. 17 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 18 In section 60(3)—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (b) the words from “and” to the end are repealed.

Commencement Information

I17 Sch. 1 para. 18 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 19 In section 64(6)(b), for “sheriff, on a summary application” substitute “ First-tier Tribunal, on an application ”.

Commencement Information

I18 Sch. 1 para. 19 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 20 In section 75—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
 - (b) the title becomes “ **Power of First-tier Tribunal, in action for possession, to reduce period of notice to quit** ”.

Commencement Information

I19 Sch. 1 para. 20 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 21 In section 76—
- (a) in subsection (2), for “sheriff may, if he thinks fit,” substitute “ First-tier Tribunal may ”,
 - (b) in subsection (3), for “sheriff” substitute “ Tribunal ”.

Commencement Information

I20 Sch. 1 para. 21 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 22 In section 77, for “sheriff court” substitute “ First-tier Tribunal ”.

Commencement Information

I21 Sch. 1 para. 22 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 23 In section 97—
- (a) in subsection (8), for “sheriff” in both places it occurs substitute “ First-tier Tribunal ”,
 - (b) in subsection (9), for “sheriff” substitute “ First-tier tribunal ”.

Commencement Information

I22 Sch. 1 para. 23 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 24 In section 102—
- (a) before subsection (1) insert—
 - “(A1) The First-tier Tribunal has jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of this Act (other than Part IX) or as to any matter which is or may become material for determining any such question.”,

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- (b) in subsection (1), before “this Act” insert “ Part IX of ”,
- (c) subsection (2) is repealed,
- (d) in subsection (3), for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I23 Sch. 1 para. 24 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 25 In section 103, leave out subsections (1) and (2) and insert—
- “An application to the sheriff under section 93(1) is to be made by way of summary application.”.

Commencement Information

I24 Sch. 1 para. 25 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 26 In section 104, before “this Act” insert “ Part IX of ”.

Commencement Information

I25 Sch. 1 para. 26 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 27 In section 115(1), after the definition of “converted tenancy” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”.

Commencement Information

I26 Sch. 1 para. 27 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 28 In Schedule 1—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph 7, for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I27 Sch. 1 para. 28 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 29 In Schedule 1A—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph 6, for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I28 Sch. 1 para. 29 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 30 In paragraph 3 of Schedule 1B, for “sheriff” substitute “ First-tier Tribunal ”.

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Commencement Information

I29 Sch. 1 para. 30 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 31 In Schedule 2—
- (a) in Cases 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20 and 21, for “court”, in each place it occurs, substitute “ First-tier Tribunal ”,
 - (b) in paragraph 1 of Part III—
 - (i) for “a court” substitute “ the First-tier Tribunal ”,
 - (ii) for “the court” substitute “ the Tribunal ”,
 - (c) in Part IV—
 - (i) in paragraph 2, for “court”, in the first place it occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
 - (ii) in paragraph 3(1)(a), for “court” substitute “ First-tier Tribunal ”,
 - (d) the title to Part I becomes “ **Cases in which First-tier Tribunal may order possession** ”,
 - (e) the title to Part II becomes “ **Cases in which First-tier Tribunal must order possession where dwelling-house subject to regulated tenancy** ”.

Commencement Information

I30 Sch. 1 para. 31 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

Housing (Scotland) Act 1988 (c.43)

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

Commencement Information

I31 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

I32 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

I33 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 ”,

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- (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

I34 Sch. 1 para. 35 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 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

I35 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** ”.

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Commencement Information

I36 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

I37 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 ”.

Commencement Information

I38 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

I39 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

I40 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

I41 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 ”.

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Commencement Information

I42 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

I43 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—

“(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

I44 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

I45 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

I46 Sch. 1 para. 47 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 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”.

Commencement Information

I47 Sch. 1 para. 48 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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Changes to legislation:

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