

SCHEDULE 2

Regulation 5

Consequential amendments of the Property Factors (Scotland) Act 2011

1. The Property Factors (Scotland) Act 2011 is amended in accordance with paragraphs 2 to 13.
2. In section 4 (registration)—
 - (a) in subsection (4)(b)(iv), for “a homeowner housing committee” substitute “the First-tier Tribunal”; and
 - (b) after subsection (8) insert—

“(9) In this Act, “First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber.”
3. In section 5 (section 4: considerations), in subsection (3)(b), for “a homeowner housing committee” substitute “the First-tier Tribunal”.
4. In section 8 (removal from register), in subsection (2)(c), for “a homeowner housing committee” substitute “the First-tier Tribunal”.
5. In section 18 (referral to homeowner housing committee), in subsection (1)(a), for “a homeowner housing committee” substitute “the First-tier Tribunal”.
6. The title to section 18 becomes “**Referral to the First-tier Tribunal**”.
7. In section 19 (determination by homeowner housing committee)—
 - (a) in subsection (1), for the words from “homeowner” to “must” substitute “First-tier Tribunal must, in relation to a homeowner’s application referred to it under section 18(1)(a),”;
 - (b) in subsection (2)—
 - (i) in the opening words—
 - (aa) for “committee” substitute “First-tier Tribunal”;
 - (bb) for “they” substitute “it”; and
 - (ii) in paragraph (b), for “them” substitute “it”;
 - (c) in subsection (3)—
 - (i) for “committee are” substitute “First-tier Tribunal is”; and
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;
 - (d) in subsection (4), for “homeowner housing committee” substitute “First-tier Tribunal”.
8. The title to section 19 becomes “**Determination by the First-tier Tribunal**”.
9. In section 20 (property factor enforcement orders)—
 - (a) in subsection (1)(a), for “homeowner housing committee” substitute “First-tier Tribunal”; and
 - (b) in subsection (1)(b), for “committee” substitute “First-tier Tribunal”.
10. In section 21 (variation and revocation of property factor enforcement orders)—
 - (a) in subsection (1)—
 - (i) in the opening words, for the words from “The” to “order” substitute “Where the First-tier Tribunal has made a property factor enforcement order it”;
 - (ii) in paragraph (a), for “they consider” substitute “it considers”;
 - (iii) in paragraph (b), for “they consider” substitute “it considers”;

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- (b) in subsection (2)—
 - (i) in the opening words, for “committee” substitute “First-tier Tribunal”;
 - (ii) in paragraph (b), for “they think” substitute “it thinks”;
 - (c) in subsection (3)—
 - (i) in paragraph (a), for “committee consider” substitute “First-tier Tribunal considers”;
and
 - (ii) in paragraph (b)—
 - (aa) for “committee” in both places that it occurs substitute “First-tier Tribunal”;
 - (bb) for “consider” in both places that it occurs substitute “considers”; and
 - (cc) for “have” substitute “has”.
- 11.** In section 23 (effect of failure to comply with property factor enforcement order)—
- (a) in subsection (1)—
 - (i) for “homeowner housing committee” substitute “First-tier Tribunal”; and
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;
 - (b) in subsection (2)—
 - (i) for “committee” in both places that it occurs substitute “First-tier Tribunal”; and
 - (ii) for “decide” substitute “decides”;
 - (c) in subsection (3)—
 - (i) in the opening words, for “committee” substitute “First-tier Tribunal”; and
 - (ii) in paragraph (b), for “committee are” substitute “First-tier Tribunal is”;
 - (d) in subsection (4)—
 - (i) for “committee are” substitute “First-tier Tribunal is”;
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
 - (iii) for “they consider” substitute “it considers”.
- 12.** In section 24 (property factor enforcement order: offences), in subsection (4) for “homeowner housing committee” substitute “First-tier Tribunal” and for “have” substitute “has”.
- 13.** In section 31 (interpretation), after the definition of “applicant” insert—
““First-tier Tribunal” has the meaning given by section 4(9).”.