

Draft Order laid before the Scottish Parliament under section 14(4) of the Property Factors (Scotland) Act 2011 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

PROPERTY FACTORS

The Property Factors (Code of Conduct) (Scotland) Order 2012

Made - - - - 2012

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 14(3) (c) of the Property Factors (Scotland) Act 2011⁽¹⁾ (“the Act”) and all other powers enabling them to do so.

In accordance with section 14(1) and (2) of the Act, they have prepared a property factor code of conduct, published a draft of the code, consulted with such bodies as they consider appropriate and also with the general public about the draft, considered representations about the draft made to them and amended the draft accordingly.

In accordance with section 14(3) of the Act, they have laid the property factor code of conduct before the Scottish Parliament and published the code.

In accordance with section 14(4) of the Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Property Factors (Code of Conduct) (Scotland) Order 2012 and comes into force on the day after the day on which it is made.

Code of Practice

2. 1st October 2012 is the day appointed for the coming into force of the property factor code of conduct entitled “Property Factors (Scotland) Act 2011: property factor code of conduct” laid before the Scottish Parliament on 30th April 2012.

⁽¹⁾ 2011 asp 8.

⁽²⁾ Section 14(4) has been modified by paragraph 5(2) of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish
Statutory Instrument: The Property Factors (Code of Conduct) (Scotland) Order 2012 No. 217

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a code of conduct setting out minimum standards of practice for property factors registered in the register of property factors (the “property factor code of conduct”)(3). The property factor code of conduct was prepared under section 14(1) of the Property Factors (Scotland) Act 2011 (“the Act”).

The register of property factors is to be prepared and maintained by the Scottish Ministers in accordance with section 1(1) of the Act. A registered property factor is obliged to comply with the property factor code of conduct (in terms of section 14(5) of the Act).

The Scottish Ministers will consider compliance with the property factor code of conduct in deciding whether or not to accept an application for entry in the register of property factors (in accordance with section 4 of the Act) and any removal of a property factor from the register (in accordance with section 8 of the Act).

A homeowner may apply to the homeowner housing panel for determination of whether a property factor has failed to ensure compliance with the property factor code of conduct (applications are made under section 17(1) of the Act).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, Endeavour House, Greenmarket, Dundee, DD1 4QB, and online at www.legislation.gov.uk.

(3) A copy of the property factor code of conduct is annexed to the Executive Note accompanying this Order and is accessible at: www.legislation.gov.uk.