

## SCHEDULE 1

Regulation 5

### Transitional and savings provisions

#### **Applications to and proceedings in progress before the hohp on 1st December 2016 to transfer to the First-tier Tribunal**

1. Any applications to the hohp already in progress on 1st December 2016 but not yet determined and any proceedings already in progress before that date shall be transferred to and be completed by the First-tier Tribunal but with so far as possible the same persons hearing and determining the case before the First-tier Tribunal as members of that tribunal as were prior to 1st December 2016 hearing the case as members of the hohp.

#### **Decisions, directions and orders of the hohp to continue in force**

2. Any decision (whether or not called a decision), direction or order given or made in applications to or proceedings before the hohp which is in force immediately before 1st December 2016 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

#### **Time limits in respect of applications to and proceedings before the hohp to carry over to the First-tier Tribunal**

3. Any time limit which has started to run before 1st December 2016 in respect of applications to and proceedings before the hohp (and which has not expired) shall continue to apply where applications and proceedings are transferred to the First-tier Tribunal.

#### **Unexercised right of appeal to sheriff, if exercised, to be appeal to the Upper Tribunal**

4. Where in respect of a decision of the President of the hohp or by a person exercising delegated powers of the President before 1st December 2016, there lies a right of appeal to the sheriff, which has not been exercised before that date but is still exercisable, any appeal on or after 1st December 2016 shall be to the Upper Tribunal for Scotland as if the decision had been made by the First-tier Tribunal and the appeal shall be an appeal from the First-tier Tribunal for the purposes of section 46(1) of the 2014 Act.

#### **Savings provision**

5. Where in respect of a decision of the President of the hohp or by a person exercising delegated powers of the President before 1st December 2016 there lies a right of appeal to the sheriff which has been exercised before that date, the appeal to the sheriff is not affected by these Regulations or the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Committees) Regulations 2016(1).