

**EXECUTIVE NOTE TO**  
**THE HOMEOWNER HOUSING PANEL (APPLICATIONS AND DECISIONS)**  
**(SCOTLAND) REGULATIONS 2012**

**SSI 2012/180**

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 25 and 30(2) of the Property Factors (Scotland) Act 2011 (“2011 Act”). The regulations are subject to negative procedure and will come into force on 1 October 2012.

**Policy Objectives**

The additional functions of the Property Factors (Scotland) Act 2011 (“2011 Act”) are conferred on the private rented housing panel (and its committees) constituted under the Rent (Scotland) Act 1984. When exercising the functions conferred on them by the 2011 Act the private rented housing panel will be known as the homeowner housing panel and its committees will be known as homeowner housing committees.

The purpose of these Regulations is to make further provision for the procedure that applies when making an application to the homeowner housing panel under section 17 of the 2011 Act and for the making of decisions in relation to such applications by the president of the homeowner housing panel or any homeowner housing committee.

The Regulations include the following provisions:

- what homeowners must do to apply to the homeowner housing panel in respect of an alleged failure to carry out the property factor’s duty or the property factor’s code of conduct;
- the procedure for handling by a committee of applications and decisions as to whether a property factor enforcement order should be varied or revoked or whether it has been complied with; and
- the making of a decision by a committee.

**Consultation**

In accordance with paragraph 24(1) and (3) of Schedule 7 of the Tribunals, Courts and Enforcement Act 2007, the Scottish Ministers have consulted with the Administrative Justice and Tribunals Council (which has consulted with its Scottish Committee) prior to making these Regulations. In addition, the views of the President of the private rented housing panel were sought in the course of drafting these Regulations.

**Equality Impact Assessment**

The regulations have been subject to an Equality Impact Assessment which is available from the Scottish Government website.

**Financial Effects**

These regulations will incur no additional financial costs for the Scottish Government, local authorities, business or the third sector. As such a Business and Regulatory Impact Assessment (BRIA) has not been prepared. Wider elements of the 2011 Act coming into force which have been

developed alongside the regulations, such as the register of property factors and code of conduct, are subject to a BRIA which will be available from the Scottish Government website.

**Scottish Government**  
**Directorate for Justice**  
**May 2012**