

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).

SCHEDULE 2

Regulation 6

Consequential amendments and repeals of the Property Factors (Scotland) Act 2011

1. The Property Factors (Scotland) Act 2011 is amended in accordance with paragraphs 2 to 9.

(1) [S.S.I. 2016/335](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. In section 17 (application to homeowner housing panel), in subsection (1), for “homeowner housing panel” substitute “First-tier Tribunal”.
3. The title to section 17 becomes “Application to the First-tier Tribunal”.
4. In section 18 (referral to homeowner housing committee)—
 - (a) in subsection (1), for “president of the homeowner housing panel” substitute “Chamber President”;
 - (b) in subsections (2), (3) and (4) for “president” in each place that it occurs substitute “Chamber President”;
 - (c) in subsection (3)(a), for “panel’s” substitute “First-tier Tribunal’s”; and
 - (d) after subsection (5) insert—

“(6) In this Act, “Chamber President” means Chamber President of the First-tier Tribunal for Scotland Housing and Property Chamber.”
5. After section 18, insert—

“18A. Delegation of Chamber President’s powers

- (1) The Chamber President may delegate the Chamber President’s functions under section 18 to any legal or ordinary member of the First-tier Tribunal.
- (2) A delegation under this section does not affect the Chamber President’s—
 - (a) responsibility for the carrying out of delegated functions, or
 - (b) ability to carry out delegated functions.”.
6. In section 28 (delegation of functions), in subsection (3), the words “25, 26(1), 27(3),” are repealed.
7. In section 30 (orders and regulations), in subsection (3), the words “or regulations under section 26(1)” are repealed.
8. In section 31 (interpretation)—
 - (a) after the entry for “applicant” insert—

““Chamber President” has the meaning given by section 18(6),”
 - (b) after the entry for “homeowner” insert—

““legal member” has the same meaning as in section 15(2) of the Tribunals (Scotland) Act 2014.”;
 - (c) after the entry for “local authority” insert—

““ordinary member” has the same meaning as in section 15(1) of the Tribunals (Scotland) Act 2014.”.
9. Sections 16 (and the italic heading preceding it), 22, 25, 26 and 27 are repealed.

SCHEDULE 3

Regulation 7

Consequential amendments to the Property Factors
(Scotland) Act 2011 Code of Conduct for Property Factors

1. The Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors, made under section 14(1) of the Property Factors (Scotland) Act 2011, laid before the Scottish Parliament on 30th

April 2012 and brought into force on 1st October 2012 by the Property Factors (Code of Conduct) (Scotland) Order 2012(2), is amended as follows.

2. In the introduction, for “homeowner housing panel” in each place it occurs substitute “First-tier Tribunal for Scotland Housing and Property Chamber”.

3. In section 1—

(a) for “homeowner housing panel” in each place it occurs substitute “First-tier Tribunal for Scotland Housing and Property Chamber”; and

(b) for “Panel” substitute “First-tier Tribunal for Scotland Housing and Property Chamber”.

4. In section 4.2, for “homeowner housing panel” substitute “First-tier Tribunal for Scotland Housing and Property Chamber”.

5. In section 7, for “homeowner housing panel” in each place it occurs substitute “First-tier Tribunal for Scotland Housing and Property Chamber”.

6. In Annex A, for “homeowner housing panel” substitute “First-tier Tribunal for Scotland Housing and Property Chamber”.