

SCHEDULE 2

PART 1

Consequential amendments and repeals of primary legislation

Housing (Scotland) Act 1988

2.—(1) The Housing (Scotland) Act 1988(1) is amended as follows.

(2) In section 17 (fixing of terms of statutory assured tenancy)—

(a) in subsection (3)(a), for “a private rented housing committee”, substitute “the First-tier Tribunal”;

(b) in subsection (4)—

(i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and

(ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;

(c) for “committee’s” in both places that it occurs substitute “First-tier Tribunal’s”;

(d) in subsection (5)—

(i) for “a private rented housing committee determine” substitute “the First-tier Tribunal determines”; and

(ii) for “they shall, if they consider” substitute “it shall, if it considers”;

(e) in subsection (7)—

(i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and

(ii) for “committee” in each place that it subsequently occurs substitute “First-tier Tribunal”; and

(f) in subsection (8), for “a private rented housing committee”, substitute “the First-tier Tribunal”.

(3) In section 24 (increases of rent under assured tenancies), in subsection (3)(a), for “a private rented housing committee” substitute “the First-tier Tribunal”.

(4) In section 25 (determination of rent by private rented housing committee)—

(a) in subsection (1)—

(i) for “a private rented housing committee” substitute “the First-tier Tribunal”;

(ii) for “committee” where it second occurs substitute “First-tier Tribunal”; and

(iii) for “committee consider” substitute “First-tier Tribunal considers”;

(b) in subsection (4), for “private rented housing committee shall make their” substitute “First-tier Tribunal is to make its”;

(c) in subsection (5)—

(i) in paragraph (a), for “a private rented housing committee have before them” substitute “the First-tier Tribunal has before it”;

(ii) in paragraph (c), for “committee propose” substitute “First-tier Tribunal proposes”;

(iii) in the closing words, for “committee” substitute “the First-tier Tribunal” and for “their” substitute “its”;

(d) in subsection (6)—

(1) 1988 c.43.

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- (i) for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (ii) for “committee” in each place where it otherwise occurs, substitute “First-tier Tribunal”; and
 - (iii) for “private rented housing committee” substitute “First-tier Tribunal”; and
- (e) in subsection (7), for “a private rented housing committee to continue with their” substitute “the First-tier Tribunal to continue with its”.
- (5) The title of section 25 becomes “**Determination of rent by the First-tier Tribunal**”.
- (6) In section 25A (assured tenancies: transitional provisions), in subsection (4), for “a private rented housing committee” substitute “the First-tier Tribunal”.
- (7) In section 25B (determination of rent by private rented housing committee where section 25A applies)—
- (a) in subsection (1)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;
 - (b) in subsection (2)(b), for “committee” in both places that it occurs substitute “First-tier Tribunal”;
 - (c) in subsection (3)—
 - (i) in paragraph (a), for “a private rented housing committee have before them” substitute “the First-tier Tribunal has before it”;
 - (ii) in paragraph (c), for “committee propose” substitute “First-tier Tribunal proposes”;
 - and
 - (iii) in the closing words for “committee” substitute “First-tier Tribunal”; and
 - (d) in subsection (4)(a), for “committee” substitute “First-tier Tribunal”.
- (8) The title of section 25B becomes “**Determination of rent by the First-tier Tribunal where section 25A applies**”.
- (9) In section 34 (reference of rents under short assured tenancies to private rented housing committee)—
- (a) in subsection (1)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (ii) for “committee’s” substitute “First-tier Tribunal’s”;
 - (b) in subsection (3)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
 - (iii) for “they consider” substitute “it considers”; and
 - (c) in subsection (4)—
 - (i) in the opening words, for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (ii) in paragraph (a), for “committee” substitute “First-tier Tribunal”.
- (10) The title of section 34 becomes “**Reference of rents under short assured tenancies to the First-tier Tribunal**”.
- (11) The title of section 35 becomes “Disapplication of the First-tier Tribunal’s functions under section 34”.

(12) In section 44 (new “Part VII” contracts limited to transitional cases), in subsection (3)(a), for “private rented housing committees” substitute “the First-tier Tribunal”.

(13) In section 48 (private rented housing committees: procedure and information powers)—

(a) in subsection (1), the words “and private rented housing committees” are omitted; and

(b) in subsection (2)—

(i) for “private rented housing committee to whom a matter is referred under this Part of this Act” substitute “First-tier Tribunal”;

(ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;

(iii) for “they” substitute “it”; and

(iv) for “their” substitute “its”.

(14) The title of section 48 becomes “**First-tier Tribunal: procedure and information powers**”.

(15) In section 48A (amounts attributable to services)—

(a) for “private rented housing committee” substitute “First-tier Tribunal”;

(b) for “committee” in each place where it subsequently occurs substitute “First-tier Tribunal”; and

(c) for “their” substitute “its”.

(16) In section 49 (information as to determination of rents), in subsection (1), for “private rented housing committees” substitute “the First-tier Tribunal”.

(17) In section 55(1) after the entry for “council tax” insert ““First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber”.

(18) In section 68 (abolition of local authority’s power to refer Part VII contracts to private rented housing committees), for “private rented housing committee” substitute “First-tier Tribunal”.

(19) The title of section 68 becomes “**Abolition of local authority’s power to refer Part VII contracts to the First-tier Tribunal**”.