

POLICY NOTE

THE HOUSING (SCOTLAND) ACT 2014 (CONSEQUENTIAL PROVISIONS) ORDER 2017

SSI 2017/329

1. The above instrument is made in exercise of the powers conferred by section 102(1) of the Housing (Scotland) Act 2014 (“the 2014 Act”). The instrument is subject to the negative procedure as it is being used to make amendments to subordinate legislation.

Policy Objectives

2. Part 3, section 16, of the 2014 Act (not yet in force) transfers sheriff’s jurisdiction in civil matters in relation to regulated and assured tenancies in the private rented housing sector to the First-tier Tribunal for Scotland (Housing and Property Chamber).

3. The Order amends the Tenancy Deposit Schemes (Scotland) Regulations 2011 to ensure that proceedings under regulation 9 in relation to Court Orders will transfer to the First-tier Tribunal.

4. This is a minor consequential amendment as there is no change to the policy intention set out in the 2014 Act to transfer civil jurisdiction from the sheriff court to the First-tier Tribunal in respect of private rented tenancies.

5. A Business and Regulatory Impact Assessment is not required as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government

September 2017