

*Changes to legislation:* There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Recording and notification of decisions. (See end of Document for details)

## SCHEDULE 2 **S**

### [<sup>F1</sup>THE FIRST-TIER TRIBUNAL]: PROCEDURE ETC.

#### Textual Amendments

- F1** Words in Sch. 2 heading substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(a\)](#) (with sch. 1)

#### *Recording and notification of decisions*

- 6 (1) This paragraph applies to any decision of [<sup>F1</sup>the First-tier Tribunal] —
- (a) under section 24(1) (decision on [<sup>F2</sup>an] application),
  - (b) to vary or revoke a repairing standard enforcement order (see section 25),
  - (c) that a landlord has failed to comply with a repairing standard enforcement order (see section 26(1)),
  - (d) to make or not to make a rent relief order (see section 26(2)(b)),
  - (e) to revoke a rent relief order (see section 27(4)),
  - (f) to consent under section 28(6) to the landlord entering into a tenancy or occupancy arrangement,
  - (g) to grant, or to refuse to grant, a certificate under section 60.
- (2) A decision to which this paragraph applies—
- (a) may be reached by majority, and
  - (b) must be recorded in a document which—
    - (i) contains a full statement of the facts found by the [<sup>F3</sup>the First-tier Tribunal and the reasons for its] decision,
    - (ii) explains the procedure, if any, for appealing the decision, and
    - (iii) narrates the effect of section 63 (which sets the date from which the decision, and any order made or varied in pursuance of it, has effect).
- (3) The [<sup>F4</sup>First-tier Tribunal] must, as soon as reasonably practicable after making a decision to which this paragraph applies, serve notice of the decision on—
- (a) the landlord,
  - (b) the tenant,
  - (c) where the [<sup>F4</sup>First-tier Tribunal] is aware of the name and address of a person who acts for the tenant in relation to the tenant's application, that person, <sup>F5</sup>...
  - [<sup>F6</sup>(d) in the case of an application under section 22(1A), the third party applicant, and
  - (e) the local authority (unless the local authority is the third party applicant in relation to the decision).]
- (4) Such a notice must be accompanied by a copy of—
- (a) the document mentioned in sub-paragraph (2)(b),
  - (b) any order made or varied, or certificate granted, in pursuance of the decision, and
  - (c) any report which the [<sup>F7</sup>First-tier Tribunal] considered before making the decision.

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- (5) The local authority is entitled to disclose any notice and any copy document, order, certificate or report it receives under this paragraph to—
- (a) an authority administering housing benefit [<sup>F8</sup>or universal credit],
  - (b) a person providing services relating to housing benefit [<sup>F8</sup>or universal credit] to, or authorised to discharge any function relating to housing benefit [<sup>F8</sup>or universal credit] of—
    - (i) a local authority, or
    - (ii) an authority administering housing benefit [<sup>F8</sup>or universal credit].

#### Textual Amendments

- F1** Words in sch. 2 para. 6(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(g\)\(i\)](#) (with sch. 1)
- F2** Word in sch. 2 para. 6(1)(a) substituted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 26\(5\)\(a\)](#), 104(3); [S.S.I. 2015/272](#), art. 2, sch.
- F3** Words in sch. 2 para. 6(2)(b)(i) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(g\)\(ii\)](#) (with sch. 1)
- F4** Words in sch. 2 para. 6(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(g\)\(iii\)](#) (with sch. 1)
- F5** Word in sch. 2 para. 6(3)(c) repealed (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 26\(5\)\(b\)](#), 104(3); [S.S.I. 2015/272](#), art. 2, sch.
- F6** Sch. 2 para. 6(3)(d)(e) substituted for sch. 2 para. 6(3)(d) (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 26\(5\)\(c\)](#), 104(3); [S.S.I. 2015/272](#), art. 2, sch.
- F7** Words in sch. 2 para. 6(4)(c) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(g\)\(iv\)](#) (with sch. 1)
- F8** Words in Sch. 2 para. 6(5) inserted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, 7

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