

Changes to legislation: Housing (Scotland) Act 2006, Cross Heading: Withdrawal of application is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

[^{F1}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)

Withdrawal of application

- 7 (1) A tenant may withdraw an application under section 22(1) at any time (and the tenant is to be treated as having withdrawn it if the tenancy concerned is lawfully terminated).
- [^{F1}(1A) A third party applicant may withdraw an application under section 22(1A) at any time.]
- (2) Where an application is withdrawn before the [^{F2}Chamber President has referred] the case to [^{F3}the First-tier Tribunal] , the [^{F4}Chamber President] may—
- (a) abandon the application, or
 - (b) despite the withdrawal, continue to refer the case to [^{F3}the First-tier Tribunal]
- (3) Where an application is withdrawn after it has been referred to [^{F5}the First-tier Tribunal, the First-tier Tribunal] may—
- (a) abandon [^{F6}its] consideration of the application, or
 - (b) despite the withdrawal—
 - (i) continue to determine the application, and
 - (ii) if [^{F7}it does] so by deciding that the landlord has failed to comply with the duty imposed by section 14(1), make and enforce a repairing standard enforcement order.

Textual Amendments

- F1** Sch. 2 para. 7(1A) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 26\(6\)](#), 104(3); [S.S.I. 2015/272](#), [art. 2](#), [sch.](#)
- F2** Words in sch. 2 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), reg. 1(2), [sch. 2 para. 2\(18\)\(b\)\(i\)](#) (with sch. 1 para. 5)
- F3** Words in sch. 2 para. 7(2) 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\(20\)\(h\)\(i\)](#) (with sch. 1)
- F4** Words in sch. 2 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), reg. 1(2), [sch. 2 para. 2\(18\)\(b\)\(ii\)](#) (with sch. 1 para. 5)
- F5** Words in sch. 2 para. 7(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\(20\)](#), (h)(ii)(aa) (with sch. 1)

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| F6 | Word in sch. 2 para. 7(3)(a) 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) , (h)(ii)(bb) (with sch. 1) |
| F7 | Words in sch. 2 para. 7(3)(b)(ii) 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) , (h)(ii)(cc) (with sch. 1) |

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1)(i)(j)(k) inserted by [S.S.I. 2019/61 reg. 3\(2\)\(d\)](#)