



Property Factors (Scotland) Act 2011

2011 asp 8

PART 1

REGISTRATION OF PROPERTY FACTORS

Removal from register etc.

9 Effect of refusal to enter in register or removal from register

- (1) Subsection (2) applies where the Scottish Ministers—
- (a) refuse under section 4(5) an application for entry in the register by a person who is operating as a property factor on the day on which section 3 comes into force,
 - (b) remove a property factor from the register under section 4(7), or
 - (c) remove a property factor from the register under section 8(1).
- (2) After the relevant date—
- (a) no costs incurred by the property factor in respect of work instructed after the relevant date are recoverable,
 - (b) no charge imposed by the property factor which relates to a period after the relevant date is recoverable,
 - (c) homeowners may appoint new property factors (or decide to manage their properties without appointing a property factor) in accordance with the procedures made in relation to such decisions in their title deeds or, as the case may be, the Tenement Management Scheme,
 - (d) the property factor may not lodge a notice of potential liability for costs under section 13(1) of the Tenements (Scotland) Act 2004 ([asp 11](#)) in respect of work instructed after the relevant date.
- (3) The Scottish Ministers must, as soon as practicable after the relevant date, give public notice of—
- (a) the refusal or removal mentioned in subsection (1)(a), (b) or, as the case may be, (c),
 - (b) the relevant date, and
 - (c) the effect of subsection (2).