Housing (Scotland) Act 2014

2014 asp 14

PART 3

PRIVATE RENTED HOUSING

Transfer of sheriff's jurisdiction to First-tier Tribunal

16 Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal—

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments.

Commencement Information

I1 S. 16(1)(2) in force at 1.12.2017 by S.S.I. 2017/330, art. 3, **sch.** (with art. 4)

I2 S. 16(3) in force at 1.12.2017 for specified purposes by S.S.I. 2017/330, art. 3, **sch.**

17 Repairing standard

(1) The 2006 Act is amended as follows.

(2) In section 18—

(a) in subsection (1), for "sheriff" substitute " First-tier Tribunal ",

(b) in subsection (2)(b), for "sheriff" substitute " Tribunal ".

Changes to legislation: *Housing (Scotland) Act 2014, Cross Heading: Transfer of sheriff's jurisdiction to First-tier Tribunal 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*

(3) The title of section 18 becomes " **Contracting out with consent of First-tier Tribunal** ".

(4) In section 57—

(a) in subsection (2), for "sheriff" substitute " relevant authority ",

(b) after subsection (2) insert—

"(2A) In subsection (2), the relevant authority is—

(a) where the requirement or thing which the person is authorised or entitled to do relates to the repairing standard, the First-tier Tribunal,

(b) in any other case, the sheriff.".

(5) Part 2 of schedule 1 makes minor and consequential amendments.

Commencement Information

I3 S. 17 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, **sch.**

18 Right to adapt rented houses

(1) After section 66 of the 2006 Act insert—

"**66A Appeals in relation to section 52**

(1) A tenant aggrieved by a decision by a landlord—

(a) to impose any condition on a consent to carry out work in pursuance of section 52(2), or

(b) to refuse to consent to the carrying out of any such work,

may appeal to the First-tier Tribunal within 6 months of being notified of that decision.

(2) The First-tier Tribunal may, on cause shown, hear an appeal after the deadline set by subsection (1).

(3) The First-tier Tribunal must, unless the Tribunal considers the condition or, as the case may be, refusal appealed against to be reasonable, determine an appeal under subsection (1) by quashing the decision and directing the landlord to withdraw the condition (or to vary it in such manner as the Tribunal may specify) or, as the case may be, to consent to the application (with or without such conditions as the Tribunal may specify).

(4) In determining whether a condition or refusal appealed against under subsection (1) is reasonable, the First-tier Tribunal must, where the appeal relates to an application made for the purposes of section 52(2)(a), have regard to any code of practice issued by the Commission for Equality and Human Rights which relates to section 52 or 53.

(5) The First-tier Tribunal's determination on an appeal under subsection (1) is final.".

(2) Part 3 of schedule 1 makes minor and consequential amendments.

***Changes to legislation:** Housing (Scotland) Act 2014, Cross Heading: Transfer of sheriff's jurisdiction to First-tier Tribunal 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*

Commencement Information
I4 S. 18 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, **sch.**

19 Landlord registration

(1) The 2004 Act is amended as follows.

(2) In section 92(2), for "sheriff" substitute " First-tier Tribunal ".

(3) In section 97—

(a) in subsection (1), for "sheriff" substitute " First-tier Tribunal ",

(b) in subsection (2), for "sheriff" substitute " First-tier Tribunal ".

(4) Part 4 of schedule 1 makes minor and consequential amendments.

Commencement Information
I5 S. 19 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, **sch.**

20 Houses in multiple occupation

(1) The Scottish Ministers may by regulations—

(a) provide that the First-tier Tribunal may make an order of the kind mentioned in section 153(2) of the 2006 Act instead of the sheriff,

(b) provide that the following may be made to the First-tier Tribunal instead of the sheriff—

(i) appeals against decisions of local authorities to which section 158 of that Act applies,

(ii) applications to extend the period mentioned in paragraph 9(1) of schedule 4 to that Act,

(iii) applications for a warrant for the ejection of the occupant from land or premises where the occupant has not complied with a requirement under paragraph 2 of schedule 5 to that Act in relation to the land or premises.

(2) Regulations under subsection (1) may—

(a) disapply the following provisions of the 2006 Act—

(i) section 153(2),

(ii) section 159(1),

(iii) paragraph 9(2) of schedule 4,

(iv) paragraph 3(1) of schedule 5,

(b) make such other consequential modifications to the 2006 Act and any other enactment as the Scottish Ministers consider appropriate.

Commencement Information
I6 S. 20 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, **Sch.**

Changes to legislation:
Housing (Scotland) Act 2014, Cross Heading: Transfer of sheriff's jurisdiction to First-tier Tribunal 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.
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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1)(a) by S.S.I. 2017/330 art. 2
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by S.S.I. 2015/349 art. 2(2)