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VALID FROM 01/12/2017

SCHEDULE 1

(introduced by sections 16 to 19)

TRANSFER OF JURISDICTION TO FIRST-TIER TRIBUNAL

PART 1

REGULATED TENANCIES, PART VII CONTRACTS AND ASSURED TENANCIES

Rent (Scotland) Act 1984 (c.58)

- 1 The Rent (Scotland) Act 1984 is amended as follows.
- 2 In section 7(2), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.
- 3 In section 11—
 - (a) in subsection (1)—
 - (i) for “a court” substitute “ the First-tier Tribunal ”,
 - (ii) for “the court”, in each place it occurs, substitute “ the Tribunal ”,
 - (b) in subsection (2), for “court” substitute “ First-tier Tribunal ”.
- 4 In section 12—
 - (a) in subsection (1), for “a court” substitute “ the First-tier Tribunal ”,
 - (b) in subsection (2), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (c) in subsection (3), for “court” substitute “ First-tier Tribunal ”,
 - (d) in subsection (4), for “court” substitute “ First-tier Tribunal ”.
- 5 In section 19(1), for “a court” substitute “ the First-tier Tribunal ”.
- 6 In section 21, for “court”, where it first occurs substitute, “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.
- 7 In section 23(1), for “court” substitute “ First-tier Tribunal ”.
- 8 In section 24—
 - (a) in subsection (3), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (b) in subsection (4), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (c) in subsection (5), for “court” substitute “ First-tier Tribunal ”,
 - (d) in subsection (6), for “court” substitute “ First-tier Tribunal ”,
 - (e) in subsection (7), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (f) in subsection (8), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

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PROSPECTIVE

- 9 In section 25(1), the definition of “the court” is repealed.
- 10 In section 26, for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.
- 11 Section 27 is repealed.
- 12 In section 31(2)—
- (a) for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph (b), for “sheriff” substitute “ First-tier Tribunal ”.
- 13 In section 32—
- (a) in subsection (4), for “sheriff”, in each place it occurs, substitute “ First-tier Tribunal ”,
 - (b) in subsection (5), for “sheriff” substitute “ First-tier Tribunal ”.
- 14 In section 35(12), after “court” insert “ or tribunal ”.
- 15 In section 39—
- (a) for “a court” substitute “ the First-tier Tribunal ”,
 - (b) for “the court”, in both places it occurs, substitute “ the Tribunal ”,
 - (c) for “direct the clerk of court to correct” substitute “ order the correction of”.
- 16 In section 43B(4)(b), after “court” insert “ or tribunal ”.
- 17 In section 45(3), after “court” insert “ or tribunal ”.
- 18 In section 60(3)—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (b) the words from “and” to the end are repealed.
- 19 In section 64(6)(b), for “sheriff, on a summary application” substitute “ First-tier Tribunal, on an application ”.
- 20 In section 75—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
 - (b) the title becomes “ **Power of First-tier Tribunal, in action for possession, to reduce period of notice to quit** ”.
- 21 In section 76—
- (a) in subsection (2), for “sheriff may, if he thinks fit,” substitute “ First-tier Tribunal may ”,
 - (b) in subsection (3), for “sheriff” substitute “ Tribunal ”.
- 22 In section 77, for “sheriff court” substitute “ First-tier Tribunal ”.
- 23 In section 97—
- (a) in subsection (8), for “sheriff” in both places it occurs substitute “ First-tier Tribunal ”,
 - (b) in subsection (9), for “sheriff” substitute “ First-tier tribunal ”.
- 24 In section 102—

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- (a) before subsection (1) insert—
- “(A1) The First-tier Tribunal has jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of this Act (other than Part IX) or as to any matter which is or may become material for determining any such question.”,
- (b) in subsection (1), before “this Act” insert “ Part IX of ”,
- (c) subsection (2) is repealed,
- (d) in subsection (3), for “sheriff” substitute “ First-tier Tribunal ”.
- 25 In section 103, leave out subsections (1) and (2) and insert—
- “An application to the sheriff under section 93(1) is to be made by way of summary application.”.
- 26 In section 104, before “this Act” insert “ Part IX of ”.
- 27 In section 115(1), after the definition of “converted tenancy” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”.
- 28 In Schedule 1—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
- (b) in paragraph 7, for “sheriff” substitute “ First-tier Tribunal ”.
- 29 In Schedule 1A—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
- (b) in paragraph 6, for “sheriff” substitute “ First-tier Tribunal ”.
- 30 In paragraph 3 of Schedule 1B, for “sheriff” substitute “ First-tier Tribunal ”.
- 31 In Schedule 2—
- (a) in Cases 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20 and 21, for “court”, in each place it occurs, substitute “ First-tier Tribunal ”,
- (b) in paragraph 1 of Part III—
- (i) for “a court” substitute “ the First-tier Tribunal ”,
- (ii) for “the court” substitute “ the Tribunal ”,
- (c) in Part IV—
- (i) in paragraph 2, for “court”, in the first place it occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
- (ii) in paragraph 3(1)(a), for “court” substitute “ First-tier Tribunal ”,
- (d) the title to Part I becomes “ **Cases in which First-tier Tribunal may order possession** ”,
- (e) the title to Part II becomes “ **Cases in which First-tier Tribunal must order possession where dwelling-house subject to regulated tenancy** ”.
- Housing (Scotland) Act 1988 (c.43)*
- 32 The Housing (Scotland) Act 1988 is amended as follows.
- 33 In section 16(2), for “sheriff” substitute “ First-tier Tribunal ”.

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34	In section 17(8), for “sheriff” substitute “ First-tier Tribunal ”.
35	<p>In section 18—</p> <ul style="list-style-type: none"> (a) in subsection (1), for “sheriff” substitute “ First-tier Tribunal ”, (b) in subsection (3)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he” substitute “ the Tribunal ”, (c) in subsection (3A)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he” substitute “ the Tribunal ”, (d) in subsection (4)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he”, in both places it occurs, substitute “ the Tribunal ”, (e) in subsection (4A), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”, (f) in subsection (6), for “sheriff” substitute “ First-tier Tribunal ”, (g) in subsection (6A), for “sheriff” substitute “ First-tier Tribunal ”, (h) in subsection (7), for “sheriff” substitute “ First-tier Tribunal ”.
36	<p>In section 19—</p> <ul style="list-style-type: none"> (a) in subsection (1)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) in paragraph (b), for “he” substitute “ the Tribunal ”, (b) in subsection (2), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”, (c) in subsection (5), for “sheriff” substitute “ First-tier Tribunal ”.
37	<p>In section 20—</p> <ul style="list-style-type: none"> (a) in subsection (1)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he” substitute “ the Tribunal ”, (b) in subsection (2)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he” substitute “ the Tribunal ”, (c) in subsection (3)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he”, in both places it occurs, substitute “ the Tribunal ”, (d) in subsection (4)— <ul style="list-style-type: none"> (i) for “sheriff” substitute “ First-tier Tribunal ”, (ii) for “he” substitute “ the Tribunal ”, (e) in subsection (6), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”, (f) the title becomes “ Extended discretion of First-tier Tribunal in possession claims ”.
38	<p>In section 21(3)—</p> <ul style="list-style-type: none"> (a) for “sheriff” substitute “ First-tier Tribunal ”, (b) for “he” substitute “ Tribunal ”.

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- 39 In section 22—
- (a) in subsection (1), for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in subsection (2), for “sheriff” substitute “ First-tier Tribunal ”.
- 40 In section 25(7), for “sheriff” substitute “ First-tier Tribunal ”.
- 41 In section 28(1), for “sheriff” substitute “ First-tier Tribunal ”.
- 42 In section 29, for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.
- 43 In section 30(2)—
- (a) the word “summary” is repealed,
 - (b) in the opening words, for “sheriff” substitute “ First-tier Tribunal ”,
 - (c) in paragraph (a), for “him” substitute “ the Tribunal ”,
 - (d) in paragraph (b), for “he” substitute “ the Tribunal ”,
 - (e) in the closing words—
 - (i) for “sheriff” substitute “ Tribunal ”,
 - (ii) for “he” substitute “ the Tribunal ”.
- 44 In section 33—
- (a) in subsection (1)—
 - (i) for “sheriff” substitute “ First-tier Tribunal ”,
 - (ii) for “he” substitute “ the Tribunal ”,
 - (b) in subsection (4), for “sheriff” substitute “ First-tier Tribunal ”.
- 45 In section 36—
- (a) after subsection (4) insert—

“(4A) Any action to enforce liability arising from this section must be raised in the First-tier Tribunal unless the residential occupant’s claim is founded on the premises in question being subject to a Scottish secure tenancy or to a short Scottish secure tenancy (within the meaning of the Housing (Scotland) Act 2001 (asp 10)).”
 - (b) in subsection (6)(b), after “sheriff” insert “ or First-tier Tribunal ”,
 - (c) in subsection (6B), after “court”, in both places it occurs, insert “ or, as the case may be, the First-tier Tribunal ”.
- 46 In section 42(1)(c)—
- (a) in sub-paragraph (i), for “court”, where it first occurs substitute “ First-tier Tribunal ”,
 - (b) in sub-paragraph (ii), for “court”, where it first occurs, substitute “ First-tier Tribunal ”,
 - (c) in sub-paragraph (iii), after “possession” insert “ the First-tier Tribunal or, as the case may be, ”.
- 47 In section 55(1), after the definition of “council tax” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland;”
- 48 In Schedule 5—
- (a) in grounds 1, 2, 5 and 7, for “sheriff”, in each place it occurs, substitute “ First-tier Tribunal ”,

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- (b) the title of Part I becomes “ **Grounds on which First-tier Tribunal must order possession** ”,
- (c) the title of Part II becomes “ **Grounds on which First-tier Tribunal may order possession** ”,
- (d) in paragraph 2 of Part III—
 - (i) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ”,
 - (ii) in paragraph (b), for “sheriff” substitute “ Tribunal ”,
 - (iii) in the closing words, for “sheriff” substitute “ Tribunal ”,
- (e) in paragraph 3(1)(a) of that Part, for “sheriff” substitute “ First-tier Tribunal ”.

PART 2

REPAIRING STANDARD

Housing (Scotland) Act 2006 (asp 1)

49 The 2006 Act is amended as follows.

50 In section 24(7)—

- (a) for “sheriff” substitute “ First-tier Tribunal ”,
- (b) in paragraph (a), for “sheriff’s” substitute “Tribunal’s”.

51 In section 194, after the definition of “disabled person” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland.”.

PART 3

RIGHT TO ADAPT RENTED HOUSES

Housing (Scotland) Act 2006 (asp 1)

52 The 2006 Act is amended as follows.

53 In section 64—

- (a) subsection (6) is repealed,
- (b) in subsection (7), for “(5) or, as the case may be, (6)” substitute “ or (5) ”.

54 Subsections (3) and (4) of section 65 are repealed.

55 Section 67 is repealed.

PART 4

LANDLORD REGISTRATION

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

56 The 2004 Act is amended as follows.

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- 57 In section 92—
- (a) subsection (4) is repealed,
 - (b) in subsection (5)—
 - (i) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ”,
 - (ii) the words “shall be made to the sheriff principal and” are repealed,
 - (c) in subsection (6), for “sheriff principal” substitute “ Upper Tribunal ”.
- 58 In section 92ZA—
- (a) in subsection (1)(b)—
 - (i) in sub-paragraph (i), for “sheriff” substitute “ First-tier Tribunal ”,
 - (ii) in sub-paragraph (ii), for “sheriff” substitute “ First-tier Tribunal ”,
 - (iii) in sub-paragraph (ii)(A), for “sheriff’s” substitute “First-tier Tribunal’s”,
 - (iv) in sub-paragraph (ii)(B), for “sheriff principal” substitute “ Upper Tribunal ”,
 - (b) in subsection (2)(b)—
 - (i) in sub-paragraph (i), for “sheriff” substitute “ First-tier Tribunal ”,
 - (ii) in sub-paragraph (ii), for “sheriff” substitute “ First-tier Tribunal ”,
 - (iii) in sub-paragraph (ii)(A), for “sheriff’s” substitute “First-tier Tribunal’s”,
 - (iv) in sub-paragraph (ii)(B), for “sheriff principal” substitute “ Upper Tribunal ”.
- 59 In section 97—
- (a) in subsection (6), for “court” substitute “ tribunal ”,
 - (b) in subsection (7), for “court” substitute “ tribunal ”.
- 60 In section 101(1)—
- (a) before the definition of “house”, insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland,”,
 - (b) after the definition of “unconnected person”, insert—

““Upper Tribunal” means the Upper Tribunal for Scotland,”.

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SCHEDULE 2

(introduced by section 103)

MINOR AND CONSEQUENTIAL AMENDMENTS

PROSPECTIVE

Local Government, Planning and Land Act 1980 (c.65)

1 Section 156(4) of the Local Government, Planning and Land Act 1980 is repealed.

PROSPECTIVE

Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)

2 Section 13(11) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 is repealed.

Rent (Scotland) Act 1984 (c.58)

3 In Case 7 of Part 1 of Schedule 2 to the Rent (Scotland) Act 1984—
 (a) the word “either” is repealed,
 (b) paragraph (b) and the word “or” immediately preceding it are repealed.

Commencement Information

II Sch. 2 para. 3 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch. (with art. 6)

Housing (Scotland) Act 1987 (c.26)

4 (1) The 1987 Act is amended as follows.

(2) In section 19 of the 1987 Act—
 (a) in subsection (1), for “local authority or a registered social landlord” substitute “social landlord”,
 (b) in subsection (2)—
 (i) for “housing provider” substitute “social landlord”,
 (ii) for “housing providers” substitute “social landlords”,
 (c) for subsection (3) substitute—
 “(3) In this Part, “social landlord” means any local authority or any registered social landlord.”.

(3) In section 20(2)—
 (a) for “local authority and a registered social landlord” substitute “social landlord”,
 (b) in paragraph (b), after sub-paragraph (ii) insert—
 “(iia) that a dissolution of a civil partnership or a decree of separation of civil partners be obtained, or”.

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- (4) In section 21(3), paragraph (ia) and the word “and” at the end of that paragraph are repealed.
- (5) In section 24(5)(d), for “or 2” substitute “, 2 or 2A ”.
- (6) In section 31(5)(c), for “or 2” substitute “, 2 or 2A ”.
- (7) In section 82—
 - (a) the words “this Part and in” are repealed, and
 - (b) the definitions of “application to purchase”, “heritable proprietor”, “housing co-operative”, “offer to sell”, “police authority” and “secure tenancy” are repealed.
- (8) The title to section 82 becomes “ **Interpretation of sections 14, 19 and 20** ”.
- (9) In section 338(1)—
 - (a) in the definition of “house”, the words “(except in relation to Part XIV)” are repealed,
 - (b) the definition of “secure tenancy” is repealed.

Commencement Information

I2 Sch. 2 para. 4(1)-(4) (9)(b) in force at 20.11.2014 by [S.S.I. 2014/264](#), [art. 2](#), [Sch.](#)

Housing (Scotland) Act 1988 (c.43)

- 5 (1) The Housing (Scotland) Act 1988 is amended as follows.
 - (2) In section 42(1)(d), the words “or in pursuance of section 282(3)(b) of that Act (grant of a tenancy upon acquisition by public sector authority of defective dwelling)” are repealed.
 - (3) Paragraph 7 of Schedule 2 is repealed.
 - (4) Paragraphs 19 to 26 of Schedule 7 are repealed.

Commencement Information

I3 Sch. 2 para. 5(1)(3) in force at 20.11.2014 by [S.S.I. 2014/264](#), [art. 2](#), [Sch.](#)

PROSPECTIVE

Local Government and Housing Act 1989 (c.42)

- 6 Section 166(1) to (5) of the Local Government and Housing Act 1989 is repealed.

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PROSPECTIVE

- Leasehold Reform, Housing and Urban Development Act 1993 (c.28)*
- 7 Section 156 of the Leasehold Reform, Housing and Urban Development Act 1993 is repealed.

PROSPECTIVE

- Local Government etc. (Scotland) Act 1994 (c.39)*
- 8 Paragraph 152(6) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 is repealed.

PROSPECTIVE

- Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)*
- 9 Paragraph 48(3) of schedule 12 to the Abolition of Feudal Tenure etc. (Scotland) Act 2000 is repealed.

Housing (Scotland) Act 2001 (asp 10)

- 10 (1) The 2001 Act is amended as follows.
- (2) In section 5(4)(a), for “or 2” substitute “, 2 or 2A”.
- (3) Section 23(6)(d) is repealed.
- (4) Sections 42 to 51 are repealed.
- (5) In schedule 10—
- (a) paragraph 13(3)(c)(ii) is repealed,
 - (b) paragraph 13(6) to (20) is repealed,
 - (c) paragraph 13(36) to (40) is repealed.

Commencement Information

I4 Sch. 2 para. 10(1)(5)(a) in force at 20.11.2014 by [S.S.I. 2014/264](#), art. 2, [Sch.](#)

PROSPECTIVE

- Water Industry (Scotland) Act 2002 (asp 3)*
- 11 Paragraph 18(5) of schedule 7 to the Water Industry (Scotland) Act 2002 is repealed.

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Scottish Public Services Ombudsman Act 2002 (asp 11)

- 12 Paragraph 44 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 is repealed.

Commencement Information

- I5** Sch. 2 para. 12 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

Freedom of Information (Scotland) Act 2002 (asp 13)

- 13 (1) The Freedom of Information (Scotland) Act 2002 is amended as follows.
(2) In schedule 1, after paragraph 18A insert—
“18B The Scottish Housing Regulator.”.
(3) Paragraph 85B of schedule 1 is repealed.

Commencement Information

- I6** Sch. 2 para. 13 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

PROSPECTIVE

Land Reform (Scotland) Act 2003 (asp 2)

- 14 (1) The Land Reform (Scotland) Act 2003 is amended as follows.
(2) Section 40(4)(g)(v) is repealed.
(3) Section 65(2)(d) is repealed.
(4) Section 84(2)(c) is repealed.

PROSPECTIVE

Agricultural Holdings (Scotland) Act 2003 (asp 11)

- 15 Section 27(1)(g)(vi) of the Agricultural Holdings (Scotland) Act 2003 is repealed.

PROSPECTIVE

Fire (Scotland) Act 2005 (asp 5)

- 16 Paragraph 13 of schedule 3 to the Fire (Scotland) Act 2005 is repealed.

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Housing (Scotland) Act 2006 (asp 1)

- 17 In section 22 of the 2006 Act—
- (a) subsection (4)(c) is repealed, and
 - (b) subsection (6) is repealed.

Commencement Information

I7 Sch. 2 para. 17 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

Housing (Scotland) Act 2010 (asp 17)

- 18 (1) The 2010 Act is amended as follows.
- (2) In section 58(1), for “the” where it secondly occurs substitute “ a ”.
 - (3) Section 108(1)(f) is repealed.
 - (4) In section 110(1), after paragraph (a) insert—
 - “(aa) the proposed disposal is not by way of granting security over the land or any interest in it”.
 - (5) In section 124, for “122” substitute “ 121 ”.
 - (6) Sections 140 to 144 are repealed.
 - (7) In schedule 2—
 - (a) paragraph 3(4) is repealed,
 - (b) paragraph 9 is repealed.

Commencement Information

I8 Sch. 2 para. 18(1)(2)(4)(5)(7)(b) in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

PROSPECTIVE

Police and Fire Reform (Scotland) Act 2012 (asp 8)

- 19 Paragraph 56 of schedule 7 to the Police and Fire Reform (Scotland) Act 2012 is repealed.

Status:

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