



Property Factors (Scotland) Act 2011

2011 asp 8

PART 3

MISCELLANEOUS AND GENERAL

28 Delegation of functions

- (1) The Scottish Ministers may by order provide that any of their functions under this Act are to be performed on their behalf by such other person as may be specified in the order.
- (2) An order under subsection (1) is not to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.
- (3) Subsection (1) does not apply in relation to Scottish Ministers' functions under that subsection and sections 2(3), 3(2)(f), (3)(b), (4) and (5), 7(4) and (5), 13(3), 14(3)(a) and (c), ^{F1}... 29(1) and 33(2).

Textual Amendments

- F1** Words in s. 28(3) repealed (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), [sch. 2 para. 6](#)

29 Ancillary provision

- (1) The Scottish Ministers may by order make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider appropriate for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under subsection (1) may modify any enactment (including this Act).
- (3) An order under subsection (1) is not to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.

Changes to legislation: There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Part 3. (See end of Document for details)

30 Orders and regulations

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes power to make—
 - (a) different provision for different cases or different classes of case, and
 - (b) such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient.
- (3) A statutory instrument containing an order or regulations made under this Act (except an order under section 2(3), 14(3)(c), 28(1), 29(1) or 33(2) ^{F2}...) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Textual Amendments

- F2** Words in s. 30(3) repealed (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 7**

31 Interpretation

In this Act—

- “applicant” has the meaning given by section 11(2),
- [^{F3}“Chamber President” has the meaning given by section 18(6),]
- [^{F4}“First-tier Tribunal” has the meaning given by section 4(9),]
- “homeowner” has the meaning given by section 10(5),
- [^{F5}“legal member” has the same meaning as in section 15(2) of the Tribunals (Scotland) Act 2014.]
- “local authority” has the meaning given by section 2(6),
- [^{F6}“ordinary member” has the same meaning as in section 15(1) of the Tribunals (Scotland) Act 2014.]
- “relevant date” has the meaning given by section 10(2),
- “property factor” has the meaning given by section 2(1),
- “property factor code of conduct” has the meaning given by section 14(1),
- “property factor enforcement order” has the meaning given by section 20(1),
- “property factor's duties” has the meaning given by section 17(5),
- “register” (and “registered” and “unregistered”) has the meaning given by section 1,
- “section 14 duty” has the meaning given by section 14(5),
- “Tenement Management Scheme” has the meaning given by section 10(4).

Textual Amendments

- F3** Words in s. 31 inserted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 8(a)**
- F4** Words in s. 31 inserted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Committees\) Regulations 2016 \(S.S.I. 2016/335\)](#), reg. 1(2), **sch. 2 para. 13** (with sch. 1 para. 5)
- F5** Words in s. 31 inserted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 8(b)**

Changes to legislation: There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Part 3. (See end of Document for details)

F6 Words in s. 31 inserted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Homeowner Housing Panel\) Regulations 2016 \(S.S.I. 2016/336\)](#), reg. 1(2), **sch. 2 para. 8(c)**

32 Crown application

- (1) No contravention by the Crown of any provision of this Act makes the Crown criminally liable.
- (2) However, the Court of Session may, on the application of the Scottish Ministers, declare unlawful any act or omission of the Crown which constitutes such a contravention.

33 Short title and commencement

- (1) This Act may be cited as the Property Factors (Scotland) Act 2011.
- (2) This Act (except this Part) comes into force on 1 October 2012 or such earlier date as the Scottish Ministers may by order appoint.
- (3) This Part comes into force at the beginning of the day after the day on which the Bill for this Act receives Royal Assent.
- (4) An order under subsection (2) may appoint different days for different purposes.

Changes to legislation:

There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Part 3.