
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe additional information that a person must provide, and make provision for the fees that a person must pay, in relation to an application for entry in the register of property factors in terms of section 3(1) of the Property Factors (Scotland) Act 2011.

Regulation 3 requires an application for registration as a property factor to include the following information in relation to any person directly concerned with the control or governance of the property factor (see definition of “relevant person” in regulation 2):—

- the conviction of any offence involving fraud or other dishonesty, violence or drugs;
- the conviction or contravention of any provision of the law relating to tenements, property or debt; and
- any court or tribunal judgment under the Equality Act 2010; the Equal Pay Act 1970; the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; the Employment Equality (Sexual Orientation) Regulations 2003; or the Employment Equality (Religion or Belief) Regulations 2003.

An applicant is not obliged to disclose any information related to a spent conviction (in accordance with section 4(3) of the Rehabilitation of Offenders Act 1974 (c.53)).

Regulation 4 provides that an applicant must provide a criminal conviction certificate (a “basic disclosure”) in relation to any person directly concerned with the control or governance of the property factor where this is required by the Scottish Ministers in order to verify the information provided in the application or if they suspect that the information is, or has become, inaccurate.

Regulation 5 sets the fees for registration as a property factor which are £100 (where the property factor acts in relation to 100 or fewer properties) or £370 (where the property factor acts in relation to more than 100 properties).