
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 328

TRIBUNALS AND INQUIRIES

**The First-tier Tribunal for Scotland Housing and
Property Chamber (Procedure) Regulations 2017**

Made - - - - - *5th October 2017*
Laid before the Scottish
Parliament - - - *6th October 2017*
Coming into force *1st December 2017*

**THE FIRST-TIER TRIBUNAL FOR SCOTLAND HOUSING AND
PROPERTY CHAMBER (PROCEDURE) REGULATIONS 2017**

1. Citation and commencement
2. Application of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017
3. Transitional provision
4. Revocation
Signature

SCHEDULE The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017
PART 1 Rules common to all proceedings before the First-tier Tribunal

1. Application and interpretation
2. The overriding objective
3. Effect of the overriding objective
4. Application
5. Requirements for making an application
6. Service
7. Signature of document
8. Rejection of application
9. Notification of acceptance of application
10. Representatives
11. Supporters
12. Hearing two or more applications together

Changes to legislation: There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. (See end of Document for details)

13. Amendment to a party's written representations
14. Amendment raising new issues
15. Withdrawal of an application
16. Directions
17. Case management discussion
18. Power to determine the proceedings without a hearing
19. Mediation
20. Inquiries
21. Powers of the First-tier Tribunal to require production of evidence
22. Lodging of documents etc.
23. Documents at hearings
24. Hearings
25. Duties of chairing member at a hearing
26. Decisions of the First-tier Tribunal
27. Dismissal of a party's case
28. Adjournment or postponement of a hearing
29. Hearing case in the absence of a party
30. Recall
31. Death, insolvency or incapacity of a party
32. Addition, substitution and removal of parties
33. Absence of a member of the First-tier Tribunal
34. Exclusion of persons disrupting proceedings
35. Prohibition on recording of proceedings by parties
36. Correction of clerical mistakes and accidental slips or omissions
37. Application for permission to appeal a decision of the First-tier Tribunal
38. First-tier Tribunal's consideration of application for permission to appeal
39. Review of a decision
- 39A. Review of an order made under section 24C(1) of the 1988 Act
40. Expenses
41. Enforcement of decisions

PART 2 Procedure in respect of homeowner applications

42. Application of Part 2 and interpretation
43. Application for determination of whether property factor has failed to comply with the 2011 Act
44. Inspections
45. Parties to be notified by the First-tier Tribunal

PART 3 Procedure in respect of private rented applications

CHAPTER 1

Procedure common to proceedings in respect of private rented applications

46. Application and interpretation

CHAPTER 2

Procedure in respect of repairing standard applications

47. Application to contract out of the repairing standard
48. Application for determination of whether the landlord has failed to comply with the repairing standard

49. Application to order a person to cease obstructing a person from complying with the repairing standard
50. Application to appeal against a decision of the landlord
51. Need for additional work
52. Procedure for further applications
53. Inspections
54. Parties to be notified by the First-tier Tribunal

CHAPTER 3

Procedure in respect of Landlord applications to the First-tier Tribunal

55. Application for assistance to exercise the landlord's right of entry
56. Person authorised to enter
57. Decision to assist
58. Stopping assistance

CHAPTER 4

Procedure in respect of adaptations of rented houses applications

59. Application to appeal the decision of a landlord in relation to adapting a rented house for a disabled person
60. Parties to be notified by the First-tier Tribunal

CHAPTER 5

Procedure in respect of assured tenancy references to the First-tier Tribunal

61. Assured tenancy references to the First-tier Tribunal
62. Documents at assured tenancy reference hearings
63. Inspections
64. Parties to be notified by the First-tier Tribunal

CHAPTER 6

Procedure in respect of assured tenancy applications

65. Application for order for possession in relation to assured tenancies
66. Application for order for possession upon termination of a short assured tenancy
67. Application to determine removal expenses
68. Application to provide written tenancy agreement and weekly rent book
69. Application for damages for unlawful eviction
70. Application for civil proceedings in relation to an assured tenancy under the 1988 Act
71. Parties to be notified by the First-tier Tribunal

CHAPTER 7

Procedure in regulated tenancy references

72. Regulated tenancy references to the First-tier Tribunal

- 73. Inspection of dwellinghouse
- 74. Parties to be notified by the First-tier Tribunal

CHAPTER 8

Procedure in respect of regulated tenancy and Part VII contract applications

- 75. Application to determine the statutory tenant after the death of a protected tenant
- 76. Application for the apportionment of the rateable value in relation to a protected tenancy
- 77. Application for possession
- 78. Application for compensation for misrepresentation or concealment by landlord
- 79. Application to evict an occupier upon termination of a tenancy
- 80. Application to adjust recoverable rent
- 81. Application to amend a rent increase notice
- 82. Application to rectify a rent book after determination of recoverable rent
- 83. Application to determine the rent limit
- 84. Application for apportionment of the rateable value in relation to a Part VII contract
- 85. Application to reduce the period of a notice to quit
- 86. Application to postpone the date of possession in relation to Part VII contracts
- 87. Application to recover unlawful premiums and loans
- 88. Application to modify a tenant's right to shared accommodation
- 89. Application to alter the amount of rent where the right to shared accommodation is modified
- 90. Application to determine the application of the 1984 Act
- 91. Application for civil proceedings in relation to a regulated tenancy or Part VII contract under the 1984 Act
- 92. Parties to be notified by the First-tier Tribunal

CHAPTER 9

Procedure in respect of letting agent applications

- 93. Application for extension of time limit to determine application for registration as a letting agent
- 94. Application to appeal decision by the Scottish Ministers to refuse to register or removal from register
- 95. Application to enforce letting agent code of practice
- 96. Parties to be notified by the First-tier Tribunal
- 97. Letting agent enforcement orders

CHAPTER 10

Procedure in respect of landlord registration applications

- 98. Application for an extension of time limit to determine application for registration as a landlord
- 99. Application to appeal against refusal to register or removal from register

- 100. Application to appeal against a decision of the local authority to serve a notice that no rent is payable
- 101. Application to revoke a notice that no rent is payable
- 102. Parties to be notified by the First-tier Tribunal

CHAPTER 11

Procedure in respect of tenancy deposit applications

- 103. Application for order for payment where landlord has not paid the deposit into an approved scheme
- 104. Parties to be notified by the First-tier Tribunal

CHAPTER 12

Procedure in respect of private residential tenancy applications

- 105. Application to draw up terms of tenancy
 - 106. Application to draw up terms of tenancy where statutory term is unlawfully displaced
 - 107. Application for payment order where landlord has failed to provide information
 - 108. Application to appeal rent set by the rent officer
 - 109. Application for an eviction order
 - 110. Application for a wrongful termination order
 - 111. Application for civil proceedings in relation to a private residential tenancy
 - 112. Parties to be notified by the First-tier Tribunal
- PART 4 Procedure in respect of prescribed property costs applications
- 113. Application and interpretation of Part 4
 - 114. Modification of Part 1
 - 115. Form of a prescribed property costs application
 - 116. Notification of a prescribed property costs application
 - 117. Production of evidence
 - 118. Determination of a prescribed property costs application
 - 119. Statement of reasons
 - 120. Review of an order made by the First-tier Tribunal in relation to a prescribed property costs application
- Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.