
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a revised code of conduct setting out minimum standards of practice for property factors registered in the register of property factors (the “property factor code of conduct”). The property factor code of conduct was prepared under section 14(1) of the Property Factors (Scotland) Act 2011 (“the Act”).

The previous Code of Conduct, brought into force by the Property Factors (Code of Conduct) (Scotland) Order 2012, is revoked by article 3. The previous code is saved by article 4 for the purposes of applications made to the First-tier Tribunal under section 17(1) of the Act until those applications are finally determined.

The register of property factors is to be prepared and maintained by the Scottish Ministers in accordance with section 1(1) of the Act. A registered property factor is obliged to comply with the revised property factor code of conduct (in terms of section 14(5) of the Act).

The Scottish Ministers will consider compliance with the revised property factor code of conduct in deciding whether or not to accept an application for entry in the register of property factors (in accordance with section 4 of the Act) and any removal of a property factor from the register (in accordance with section 8 of the Act).

A homeowner may apply to the First-tier Tribunal for Scotland (Housing and Property Chamber) for determination of whether a property factor has failed to ensure compliance with the revised property factor code of conduct (applications are made under section 17(1) of the Act).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government at Victoria Quay, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.