
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 369

TRIBUNALS AND INQUIRIES

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

Made - - - - 31st October 2017
Laid before the Scottish Parliament - - - - 2nd November 2017
Coming into force - - 1st December 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 4(2) of schedule 9 of the Tribunals (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of that Act, they have consulted the President of Tribunals and such other persons as they have considered appropriate.

Citation and commencement

1. These Regulations may be cited as the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Amendment Regulations 2017 and come into force on 1st December 2017.

Amendment of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

2.—(1) The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017⁽²⁾ (“the principal regulations”) are amended in accordance with paragraphs (3) to (14).

(2) In this regulation any reference to a numbered rule is to the rule bearing that number in the Schedule of the principal regulations.

(3) In rule 1(2) (application and interpretation) for “assured tenancy reference to the First-tier Tribunal” substitute “assured tenancy reference”.

(4) In rule 10(4) (representatives) for “A practice direction, an order, or anything permitted or required to be done by a party under these Rules,” substitute “Anything permitted or required to be done by a party under these Rules, a practice direction or an order”.

(1) 2014 asp 10.
(2) S.S.I. 2017/328.

(5) In rule 37(3) (application for permission to appeal a decision of the First-tier Tribunal), omit sub-paragraph (a).

(6) In rule 43 (application for determination of whether property factor has failed to comply with the 2011 Act)—

- (a) (i) at the end of paragraph (1)(d) insert “and”;
- (ii) at the end of paragraph (1)(e) omit “; and”;
- (iii) omit paragraph (1)(f); and

(b) omit paragraph (4).

(7) In rule 44(4) (inspections) for “party” substitute “parties”.

(8) In rule 53(4) (inspections) for “party” substitute “parties”.

(9) In rule 69 (application for damages for unlawful eviction) for “36(6A) or (6B)” substitute “36(3)”.

(10) In rule 71(b) (parties to be notified by the First-tier Tribunal) for “36(6A) and (6B)” substitute “36(3)”.

(11) In rule 86 (application to postpone the date of possession in relation to Part VII contracts) for “lessor” substitute “lessee” in the introductory text and in paragraph (b).

(12) In rule 92 (parties to be notified by the First-tier Tribunal)—

- (a) at the end of paragraph (e) insert “and”;
- (b) at the end of paragraph (f) omit “; and”; and
- (c) omit paragraph (g).

(13) In rule 97 (letting agent enforcement orders) for “both” substitute “the” in paragraphs (1) and (2).

(14) In rule 106 (application to draw up terms of tenancy where statutory term is unlawfully displaced)—

- (a) in paragraph (a)(i) and (ii) for “tenant or landlord” substitute “person”;
- (b) in paragraph (a)(iv) and (v), for “tenant” substitute “person”; and
- (c) in paragraph (c) for “tenant or landlord”, in both places where it occurs, substitute “person”.

St Andrew’s House, Edinburgh
31st October 2017

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Regulation 2 makes some minor corrections to the schedule which sets out the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure.