

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Withdrawal of application. (See end of Document for details)*

## SCHEDULE 2

### [<sup>F1</sup>THE FIRST-TIER TRIBUNAL]: PROCEDURE ETC.

#### Textual Amendments

- F1** Words in Sch. 2 heading substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(a\)](#) (with sch. 1)

#### *Withdrawal of application*

- 7 (1) A tenant may withdraw an application under section 22(1) at any time (and the tenant is to be treated as having withdrawn it if the tenancy concerned is lawfully terminated).
- [<sup>F1</sup>(1A) A third party applicant may withdraw an application under section 22(1A) at any time.]
- (2) Where an application is withdrawn before the [<sup>F2</sup>Chamber President has referred] the case to [<sup>F3</sup>the First-tier Tribunal] , the [<sup>F4</sup>Chamber President] may—
- abandon the application, or
  - despite the withdrawal, continue to refer the case to [<sup>F3</sup>the First-tier Tribunal]
- (3) Where an application is withdrawn after it has been referred to [<sup>F5</sup>the First-tier Tribunal, the First-tier Tribunal] may—
- abandon [<sup>F6</sup>its] consideration of the application, or
  - despite the withdrawal—
    - continue to determine the application, and
    - if [<sup>F7</sup>it does] so by deciding that the landlord has failed to comply with the duty imposed by section 14(1), make and enforce a repairing standard enforcement order.

#### Textual Amendments

- F1** Sch. 2 para. 7(1A) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 26\(6\)](#), 104(3); S.S.I. 2015/272, art. 2, sch.
- F2** Words in sch. 2 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), reg. 1(2), [sch. 2 para. 2\(18\)\(b\)\(i\)](#) (with sch. 1 para. 5)
- F3** Words in sch. 2 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)\(h\)\(i\)](#) (with sch. 1)
- F4** Words in sch. 2 para. 7(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), reg. 1(2), [sch. 2 para. 2\(18\)\(b\)\(ii\)](#) (with sch. 1 para. 5)
- F5** Words in sch. 2 para. 7(3) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)](#), (h)(ii)(aa) (with sch. 1)

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- F6** Word in sch. 2 para. 7(3)(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)](#), (h)(ii)(bb) (with sch. 1)
- F7** Words in sch. 2 para. 7(3)(b)(ii) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), [sch. 2 para. 6\(20\)](#), (h)(ii)(cc) (with sch. 1)

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