

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Housing (Scotland) Act 2014, Cross Heading: Rent (Scotland) Act 1984 (c.58) is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1 TRANSFER OF JURISDICTION TO FIRST-TIER TRIBUNAL

PART 1

REGULATED TENANCIES, PART VII CONTRACTS AND ASSURED TENANCIES

Rent (Scotland) Act 1984 (c.58)

1 The Rent (Scotland) Act 1984 is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

2 In section 7(2), for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

3 In section 11—
(a) in subsection (1)—
(i) for “a court” substitute “ the First-tier Tribunal ”,
(ii) for “the court”, in each place it occurs, substitute “ the Tribunal ”,
(b) in subsection (2), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

4 In section 12—
(a) in subsection (1), for “a court” substitute “ the First-tier Tribunal ”,
(b) in subsection (2), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
(c) in subsection (3), for “court” substitute “ First-tier Tribunal ”,
(d) in subsection (4), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

5 In section 19(1), for “a court” substitute “ the First-tier Tribunal ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 6 In section 21, for “court”, where it first occurs substitute, “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 7 In section 23(1), for “court” substitute “ First-tier Tribunal ”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.12.2017 for specified purposes by S.S.I. 2017/330, art. 3, sch.

- 8 In section 24—
- (a) in subsection (3), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (b) in subsection (4), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, in every other place it occurs, substitute “ Tribunal ”,
 - (c) in subsection (5), for “court” substitute “ First-tier Tribunal ”,
 - (d) in subsection (6), for “court” substitute “ First-tier Tribunal ”,
 - (e) in subsection (7), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (f) in subsection (8), for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

PROSPECTIVE

- 9 In section 25(1), the definition of “the court” is repealed.

- 10 In section 26, for “court”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”.

Commencement Information

I9 Sch. 1 para. 10 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 11 Section 27 is repealed.

Commencement Information

I10 Sch. 1 para. 11 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 12 In section 31(2)—
- (a) for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph (b), for “sheriff” substitute “ First-tier Tribunal ”.

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Commencement Information

I11 Sch. 1 para. 12 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 13 In section 32—
- (a) in subsection (4), for “sheriff”, in each place it occurs, substitute “ First-tier Tribunal ”,
 - (b) in subsection (5), for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I12 Sch. 1 para. 13 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 14 In section 35(12), after “court” insert “ or tribunal ”.

Commencement Information

I13 Sch. 1 para. 14 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 15 In section 39—
- (a) for “a court” substitute “ the First-tier Tribunal ”,
 - (b) for “the court”, in both places it occurs, substitute “ the Tribunal ”,
 - (c) for “direct the clerk of court to correct” substitute “ order the correction of”.

Commencement Information

I14 Sch. 1 para. 15 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 16 In section 43B(4)(b), after “court” insert “ or tribunal ”.

Commencement Information

I15 Sch. 1 para. 16 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 17 In section 45(3), after “court” insert “ or tribunal ”.

Commencement Information

I16 Sch. 1 para. 17 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 18 In section 60(3)—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, where it second occurs, substitute “Tribunal”,
 - (b) the words from “and” to the end are repealed.

Commencement Information

I17 Sch. 1 para. 18 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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- 19 In section 64(6)(b), for “sheriff, on a summary application” substitute “ First-tier Tribunal, on an application ”.

Commencement Information

I18 Sch. 1 para. 19 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 20 In section 75—
- (a) for “sheriff”, where it first occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
 - (b) the title becomes “ **Power of First-tier Tribunal, in action for possession, to reduce period of notice to quit** ”.

Commencement Information

I19 Sch. 1 para. 20 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 21 In section 76—
- (a) in subsection (2), for “sheriff may, if he thinks fit,” substitute “ First-tier Tribunal may ”,
 - (b) in subsection (3), for “sheriff” substitute “ Tribunal ”.

Commencement Information

I20 Sch. 1 para. 21 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 22 In section 77, for “sheriff court” substitute “ First-tier Tribunal ”.

Commencement Information

I21 Sch. 1 para. 22 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 23 In section 97—
- (a) in subsection (8), for “sheriff” in both places it occurs substitute “ First-tier Tribunal ”,
 - (b) in subsection (9), for “sheriff” substitute “ First-tier tribunal ”.

Commencement Information

I22 Sch. 1 para. 23 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 24 In section 102—
- (a) before subsection (1) insert—

“(A1) The First-tier Tribunal has jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question as to the application of this Act (other than Part IX) or as to any matter which is or may become material for determining any such question.”,

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- (b) in subsection (1), before “this Act” insert “ Part IX of ”,
- (c) subsection (2) is repealed,
- (d) in subsection (3), for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I23 Sch. 1 para. 24 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 25 In section 103, leave out subsections (1) and (2) and insert—
- “An application to the sheriff under section 93(1) is to be made by way of summary application.”.

Commencement Information

I24 Sch. 1 para. 25 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 26 In section 104, before “this Act” insert “ Part IX of ”.

Commencement Information

I25 Sch. 1 para. 26 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 27 In section 115(1), after the definition of “converted tenancy” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”.

Commencement Information

I26 Sch. 1 para. 27 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 28 In Schedule 1—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph 7, for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I27 Sch. 1 para. 28 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 29 In Schedule 1A—
- (a) in paragraph 3, for “sheriff” substitute “ First-tier Tribunal ”,
 - (b) in paragraph 6, for “sheriff” substitute “ First-tier Tribunal ”.

Commencement Information

I28 Sch. 1 para. 29 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 30 In paragraph 3 of Schedule 1B, for “sheriff” substitute “ First-tier Tribunal ”.

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Commencement Information

I29 Sch. 1 para. 30 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

- 31 In Schedule 2—
- (a) in Cases 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20 and 21, for “court”, in each place it occurs, substitute “ First-tier Tribunal ”,
 - (b) in paragraph 1 of Part III—
 - (i) for “a court” substitute “ the First-tier Tribunal ”,
 - (ii) for “the court” substitute “ the Tribunal ”,
 - (c) in Part IV—
 - (i) in paragraph 2, for “court”, in the first place it occurs, substitute “ First-tier Tribunal ” and, in each subsequent place it occurs, substitute “ Tribunal ”,
 - (ii) in paragraph 3(1)(a), for “court” substitute “ First-tier Tribunal ”,
 - (d) the title to Part I becomes “ **Cases in which First-tier Tribunal may order possession** ”,
 - (e) the title to Part II becomes “ **Cases in which First-tier Tribunal must order possession where dwelling-house subject to regulated tenancy** ”.

Commencement Information

I30 Sch. 1 para. 31 in force at 1.12.2017 by S.S.I. 2017/330, art. 3, sch.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)