

## SCHEDULE 2

### PART 1

#### Consequential amendments and repeals of primary legislation

##### **Housing (Scotland) Act 2006**

6.—(1) The Housing (Scotland) Act 2006(1) is amended as follows.

(2) Section 21 (naming of panel and re-naming of committees) is omitted.

(3) In section 23(1)(a) (referral to private rented housing committee), for “a private rented housing committee” substitute “the First-tier Tribunal”.

(4) In section 24 (determination by private rented housing committee)—

(a) in subsection (1), for the words from “private rented housing committee” to “must” substitute “First-tier Tribunal, must in relation to an application under section 22(1) or (1A)”;

(b) in subsection (2)—

(i) for “committee decide” substitute “First-tier Tribunal decides”; and

(ii) for “they” substitute “it”;

(c) in subsection (4) for “committee reasonably consider” substitute “First-tier Tribunal reasonably considers”;

(d) in subsection (5), for “committee require” substitute “First-tier Tribunal requires”;

(e) in subsection (6)—

(i) for “committee are” substitute “First-tier Tribunal is”;

(ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and

(iii) for “they consider” substitute “it considers”; and

(f) in subsection (7)(a), for “committee” substitute “First-tier Tribunal”.

(5) The title of section 24 becomes “**Determination by the First-tier Tribunal**”.

(6) In section 25 (variation and revocation of repairing standard enforcement orders)—

(a) in subsection (1)—

(i) for “The private rented housing committee which made a repairing standard enforcement order” substitute “Where the First-tier Tribunal has made a repairing standard enforcement order, it”; and

(ii) for “they consider” in both places where it occurs substitute “it considers”;

(b) in subsection (2)—

(i) in the opening words, for “committee” substitute “First-tier Tribunal”; and

(ii) in paragraph (b), for “they think” substitute “it thinks”; and

(c) in subsection (3)—

(i) in paragraph (a), for “committee consider” substitute “First-tier Tribunal considers”; and

(ii) in paragraph (b)—

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- (aa) for “committee” in both places that it occurs substitute “First-tier Tribunal”;
  - (bb) in sub-paragraph (i), for “consider”, substitute “considers”; and
  - (cc) in sub-paragraph (ii), for “have” substitute “has”.
- (7) In section 26 (effect of failure to comply with repairing standard enforcement order)—
- (a) in subsection (1)—
    - (i) for “private rented housing committee” substitute “First-tier Tribunal”; and
    - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;
  - (b) in subsection (2)—
    - (i) for “committee decide” substitute “First-tier Tribunal decides”; and
    - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”;
  - (c) in subsection (3)—
    - (i) in the opening words, for “committee” substitute “First-tier Tribunal”; and
    - (ii) in paragraph (b), for “committee are” substitute “First-tier Tribunal is”;
  - (d) in subsection (4)—
    - (i) for “committee are” substitute “First-tier Tribunal is”;
    - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
    - (iii) for “they consider” substitute “it considers”.
- (8) In section 27 (rent relief orders)—
- (a) in subsection (1), for “a private rented housing committee” substitute “the First-tier Tribunal”;
  - (b) in subsection (2)—
    - (i) for “A private rented housing committee” substitute “The First-tier Tribunal”; and
    - (ii) for “they have” substitute “it has”;
  - (c) in subsection (4), for “committee” in both places that it occurs substitute “First-tier Tribunal”.
- (9) In section 28 (the repairing standard: offences)—
- (a) in subsection (4), for “private rented housing committee which made the repairing standard enforcement order in question” substitute “First-tier Tribunal”;
  - (b) in subsection (6), for “private rented housing committee which made the order” substitute “First-tier Tribunal”.
- (10) In section 36(1) (carrying out of work by local authority: repairing standard), for “a private rented housing committee” substitute “the First-tier Tribunal”.
- (11) In section 60 (certification)—
- (a) in subsection (2)(b), for “private rented housing committee which made the order.” substitute “First-tier Tribunal.”;
  - (b) in subsection (4), for “committee” substitute “First-tier Tribunal”; and
  - (c) in subsection (5)—
    - (i) in the opening words, for “A private rented housing committee may, of their” substitute “The First-tier Tribunal may, of its”;
    - (ii) in paragraph (a), for “they have” substitute “it has”;
    - (iii) in paragraph (b), for “they are” substitute “it is”; and

- (iv) in the closing words, for “committee may not exercise their” substitute “First-tier Tribunal may not exercise its”.
- (12) In section 61 (registration)—
  - (a) in sub-section (1)(c), for “a private rented housing committee” substitute “the First-tier Tribunal”; and
  - (b) in subsection (2), for “private rented housing committee which made the repairing standard enforcement order concerned” substitute “First-tier Tribunal”.
- (13) In section 63 (date of operation of notices, orders etc.), in subsection (8)(a)—
  - (a) after “determination” insert “or Upper Tribunal’s decision”; and
  - (b) after “sheriff” insert “or Upper Tribunal”.
- (14) In section 64 (Part 1 appeals)—
  - (a) in subsection (4)—
    - (i) in the opening words, for “by a private rented housing committee” substitute “of the First-tier Tribunal”;
    - (ii) in paragraph (a), for “(decision on an application)” substitute “(determination by the First-tier Tribunal)”;
    - (iii) in the closing words, for “may appeal to the sheriff within 21” substitute “may seek permission to appeal on a point of law only from the First-tier Tribunal within 30”.
  - (b) in subsection (4A)—
    - (i) in the opening words, for “by a private rented housing committee” substitute “of the First-tier Tribunal”; and
    - (ii) in the closing words, for “may appeal to the sheriff within 21” substitute “may seek permission to appeal on a point of law only from the First-tier Tribunal within 30”;
  - (c) in subsection (5)—
    - (i) for “appeal to the sheriff” substitute “seek permission to appeal on a point of law only from the First-tier Tribunal”;
    - (ii) for “21” substitute “30”; and
  - (d) for subsection (7) substitute—
    - “(7) On cause shown—
      - (a) in the case of an appeal under subsections (1) and (6), the sheriff may hear an appeal after the deadline set by the relevant subsection, and
      - (b) in the case of an appeal under subsections (4), (4A) or (5), the Upper Tribunal may hear an appeal after the deadline set by the relevant subsection.”.
- (15) In section 65 (Part 1 appeals: determination)—
  - (a) in subsection (2)—
    - (i) in the opening words, for “sheriff” substitute “Upper Tribunal”; and
    - (ii) paragraph (b)—
      - (aa) for “sheriff’s” substitute “Upper Tribunal’s”; and
      - (bb) for “committee” substitute “First-tier Tribunal”; and
  - (b) in subsection (5), after “sheriff’s determination” insert “or Upper Tribunal’s decision”.
- (16) In section 66 (Part 1 appeals: procedure etc.)—
  - (a) in subsection (1), for “section 64” substitute “section 64(1) or (6)”; and

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- (b) in subsection (4), for “section 64” substitute “section 64(1) or (6)”.
- (17) Section 67 (adaptations: power to change method of appeal) is omitted.
- (18) In section 181 (rights of entry: general)—
  - (a) in subsection (2)—
    - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
    - (ii) for “committee” in each place where it subsequently occurs substitute “First-tier Tribunal”;
  - (b) in subsection (6), for “committee” substitute “First-tier Tribunal”.
- (19) In section 194 (interpretation)—
  - (a) in subsection (1)—
    - (i) after the definition of “disabled person” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber,”; and
    - (ii) the definition of “private rented housing committee” is omitted; and
  - (b) subsection (5) is omitted.
- (20) Schedule 2 (private rented housing committees: procedure etc.) is amended as follows—
  - (a) in the schedule heading, for “PRIVATE RENTED HOUSING COMMITTEES” substitute “THE FIRST-TIER TRIBUNAL”;
  - (b) in paragraph 1—
    - (i) in sub-paragraph (1)—
      - (aa) in the opening words, for the words from “The private” to “23(1)” substitute “On receipt of a referral of a tenant’s application under section 23(1) the First-tier Tribunal”; and
      - (bb) in paragraph (a), for “committee think” substitute “First-tier Tribunal thinks”;
    - (ii) in sub-paragraph (2)(b) for “committee think” substitute “First-tier Tribunal thinks”;
    - (iii) in sub-paragraph (3), for “committee” substitute “First-tier Tribunal”;
    - (iv) in sub paragraph (4), for “committee” in both places that it occurs substitute “First-tier Tribunal”;
  - (c) in paragraph 2—
    - (i) in sub-paragraph (1)—
      - (aa) for “committee” substitute “First-tier Tribunal”; and
      - (bb) for “they think” substitute “it thinks”;
    - (ii) in sub-paragraph (3), for “committee” in both places that it occurs substitute “First-tier Tribunal”;
  - (d) in paragraph 3—
    - (i) in sub-paragraph (1)—
      - (aa) for “committee” in each place that it occurs substitute “First-tier Tribunal”; and
      - (bb) for “they” substitute “it”; and
    - (ii) sub-paragraphs (2),(3) and (4) are omitted;
  - (e) in paragraph 4, for “committee” substitute “First-tier Tribunal”;

- (f) in paragraph 5—
  - (i) in sub-paragraph (1)—
    - (aa) in paragraph (a), for “any private rented housing committee” substitute “the First-tier Tribunal”;
    - (bb) in paragraph (b), for “a committee” substitute “the First-tier Tribunal” and for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
    - (cc) in paragraph (c), for “a committee” substitute “the First-tier Tribunal”; and
  - (ii) in sub-paragraph (2), in the closing words, for “any private rented housing committee” substitute “the First-tier Tribunal”;
- (g) in paragraph 6—
  - (i) in sub-paragraph (1), for “a private rented housing committee” substitute “the First-tier Tribunal”;
  - (ii) in sub-paragraph (2)(b)(i), for “committee and the reasons for their” substitute “the First-tier Tribunal and the reasons for its”;
  - (iii) in sub-paragraph (3), for “committee” in both places that it occurs substitute “First-tier Tribunal”;
  - (iv) in sub-paragraph (4)(c), for “committee” substitute “First-tier Tribunal”;
- (h) in paragraph 7—
  - (i) in sub-paragraph (2) for “a private rented housing committee” in both places that it occurs substitute “the First-tier Tribunal”;
  - (ii) in sub-paragraph (3)—
    - (aa) for “a private rented housing committee, the committee” substitute “the First-tier Tribunal, the First-tier Tribunal”;
    - (bb) in paragraph (a), for “their” substitute “its”; and
    - (cc) in paragraph (b)(ii), for “they do” substitute “it does”; and
- (i) in paragraph 8(2), for “a private rented housing committee” substitute “the First-tier Tribunal”.