

## SCHEDULE 1

*(introduced by sections 16 to 19)*

### 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.
- 2 In section 7(2), for “sheriff”, where it first occurs, substitute “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.
- 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”.
- 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”.
- 5 In section 19(1), for “a court” substitute “the First-tier Tribunal”.
- 6 In section 21, for “court”, where it first occurs substitute, “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.
- 7 In section 23(1), for “court” substitute “First-tier Tribunal”.
- 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”.
- 9 In section 25(1), the definition of “the court” is repealed.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”.
- 11 Section 27 is repealed.

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- 12 In section 31(2)—
- (a) for “sheriff” substitute “First-tier Tribunal”,
  - (b) in paragraph (b), for “sheriff” substitute “First-tier Tribunal”.
- 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”.
- 14 In section 35(12), after “court” insert “or tribunal”.
- 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”.
- 16 In section 43B(4)(b), after “court” insert “or tribunal”.
- 17 In section 45(3), after “court” insert “or tribunal”.
- 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.
- 19 In section 64(6)(b), for “sheriff, on a summary application” substitute “First-tier Tribunal, on an application”.
- 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**”.
- 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”.
- 22 In section 77, for “sheriff court” substitute “First-tier Tribunal”.
- 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”.
- 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.”,
  - (b) in subsection (1), before “this Act” insert “Part IX of”,

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- (c) subsection (2) is repealed,
  - (d) in subsection (3), for “sheriff” substitute “First-tier Tribunal”.
- 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.”.
- 26 In section 104, before “this Act” insert “Part IX of”.
- 27 In section 115(1), after the definition of “converted tenancy” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland;”.
- 28 In Schedule 1—
- (a) in paragraph 3, for “sheriff” substitute “First-tier Tribunal”,
  - (b) in paragraph 7, for “sheriff” substitute “First-tier Tribunal”.
- 29 In Schedule 1A—
- (a) in paragraph 3, for “sheriff” substitute “First-tier Tribunal”,
  - (b) in paragraph 6, for “sheriff” substitute “First-tier Tribunal”.
- 30 In paragraph 3 of Schedule 1B, for “sheriff” substitute “First-tier Tribunal”.
- 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**”.

*Housing (Scotland) Act 1988 (c.43)*

- 32 The Housing (Scotland) Act 1988 is amended as follows.
- 33 In section 16(2), for “sheriff” substitute “First-tier Tribunal”.
- 34 In section 17(8), for “sheriff” substitute “First-tier Tribunal”.
- 35 In section 18—
- (a) in subsection (1), for “sheriff” substitute “First-tier Tribunal”,
  - (b) in subsection (3)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he” substitute “the Tribunal”,
  - (c) in subsection (3A)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,

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- (ii) for “he” substitute “the Tribunal”,
  - (d) in subsection (4)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he”, in both places it occurs, substitute “the Tribunal”,
  - (e) in subsection (4A), for “sheriff”, where it first occurs, substitute “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”,
  - (f) in subsection (6), for “sheriff” substitute “First-tier Tribunal”,
  - (g) in subsection (6A), for “sheriff” substitute “First-tier Tribunal”,
  - (h) in subsection (7), for “sheriff” substitute “First-tier Tribunal”.
- 36 In section 19—
- (a) in subsection (1)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) in paragraph (b), for “he” substitute “the Tribunal”,
  - (b) in subsection (2), for “sheriff”, where it first occurs, substitute “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”,
  - (c) in subsection (5), for “sheriff” substitute “First-tier Tribunal”.
- 37 In section 20—
- (a) in subsection (1)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he” substitute “the Tribunal”,
  - (b) in subsection (2)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he” substitute “the Tribunal”,
  - (c) in subsection (3)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he”, in both places it occurs, substitute “the Tribunal”,
  - (d) in subsection (4)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he” substitute “the Tribunal”,
  - (e) in subsection (6), for “sheriff”, where it first occurs, substitute “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”,
  - (f) the title becomes “**Extended discretion of First-tier Tribunal in possession claims**”.
- 38 In section 21(3)—
- (a) for “sheriff” substitute “First-tier Tribunal”,
  - (b) for “he” substitute “Tribunal”.
- 39 In section 22—
- (a) in subsection (1), for “sheriff” substitute “First-tier Tribunal”,
  - (b) in subsection (2), for “sheriff” substitute “First-tier Tribunal”.
- 40 In section 25(7), for “sheriff” substitute “First-tier Tribunal”.
- 41 In section 28(1), for “sheriff” substitute “First-tier Tribunal”.
- 42 In section 29, for “sheriff”, where it first occurs, substitute “First-tier Tribunal” and, where it second occurs, substitute “Tribunal”.
- 43 In section 30(2)—

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- (a) the word “summary” is repealed,
  - (b) in the opening words, for “sheriff” substitute “First-tier Tribunal”,
  - (c) in paragraph (a), for “him” substitute “the Tribunal”,
  - (d) in paragraph (b), for “he” substitute “the Tribunal”,
  - (e) in the closing words—
    - (i) for “sheriff” substitute “Tribunal”,
    - (ii) for “he” substitute “the Tribunal”.
- 44 In section 33—
- (a) in subsection (1)—
    - (i) for “sheriff” substitute “First-tier Tribunal”,
    - (ii) for “he” substitute “the Tribunal”,
  - (b) in subsection (4), for “sheriff” substitute “First-tier Tribunal”.
- 45 In section 36—
- (a) after subsection (4) insert—

“(4A) Any action to enforce liability arising from this section must be raised in the First-tier Tribunal unless the residential occupant’s claim is founded on the premises in question being subject to a Scottish secure tenancy or to a short Scottish secure tenancy (within the meaning of the Housing (Scotland) Act 2001 (asp 10)).”
  - (b) in subsection (6)(b), after “sheriff” insert “or First-tier Tribunal”,
  - (c) in subsection (6B), after “court”, in both places it occurs, insert “or, as the case may be, the First-tier Tribunal”.
- 46 In section 42(1)(c)—
- (a) in sub-paragraph (i), for “court”, where it first occurs substitute “First-tier Tribunal”,
  - (b) in sub-paragraph (ii), for “court”, where it first occurs, substitute “First-tier Tribunal”,
  - (c) in sub-paragraph (iii), after “possession” insert “the First-tier Tribunal or, as the case may be,”.
- 47 In section 55(1), after the definition of “council tax” insert—

““First-tier Tribunal” means the First-tier Tribunal for Scotland;”
- 48 In Schedule 5—
- (a) in grounds 1, 2, 5 and 7, for “sheriff”, in each place it occurs, substitute “First-tier Tribunal”,
  - (b) the title of Part I becomes “**Grounds on which First-tier Tribunal must order possession**”,
  - (c) the title of Part II becomes “**Grounds on which First-tier Tribunal may order possession**”,
  - (d) in paragraph 2 of Part III—
    - (i) for “sheriff”, where it first occurs, substitute “First-tier Tribunal”,
    - (ii) in paragraph (b), for “sheriff” substitute “Tribunal”,
    - (iii) in the closing words, for “sheriff” substitute “Tribunal”,
  - (e) in paragraph 3(1)(a) of that Part, for “sheriff” substitute “First-tier Tribunal”.

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## PART 2

### REPAIRING STANDARD

#### *Housing (Scotland) Act 2006 (asp 1)*

- 49 The 2006 Act is amended as follows.
- 50 In section 24(7)—
- (a) for “sheriff” substitute “First-tier Tribunal”,
  - (b) in paragraph (a), for “sheriff’s” substitute “Tribunal’s”.
- 51 In section 194, after the definition of “disabled person” insert—
- ““First-tier Tribunal” means the First-tier Tribunal for Scotland,”.

## PART 3

### RIGHT TO ADAPT RENTED HOUSES

#### *Housing (Scotland) Act 2006 (asp 1)*

- 52 The 2006 Act is amended as follows.
- 53 In section 64—
- (a) subsection (6) is repealed,
  - (b) in subsection (7), for “(5) or, as the case may be, (6)” substitute “or (5)”.
- 54 Subsections (3) and (4) of section 65 are repealed.
- 55 Section 67 is repealed.

## PART 4

### LANDLORD REGISTRATION

#### *Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)*

- 56 The 2004 Act is amended as follows.
- 57 In section 92—
- (a) subsection (4) is repealed,
  - (b) in subsection (5)—
    - (i) for “sheriff”, where it first occurs, substitute “First-tier Tribunal”,
    - (ii) the words “shall be made to the sheriff principal and” are repealed,
  - (c) in subsection (6), for “sheriff principal” substitute “Upper Tribunal”.
- 58 In section 92ZA—
- (a) in subsection (1)(b)—
    - (i) in sub-paragraph (i), for “sheriff” substitute “First-tier Tribunal”,
    - (ii) in sub-paragraph (ii), for “sheriff” substitute “First-tier Tribunal”,
    - (iii) in sub-paragraph (ii)(A), for “sheriff’s” substitute “First-tier Tribunal’s”,

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- (iv) in sub-paragraph (ii)(B), for “sheriff principal” substitute “Upper Tribunal”,
  - (b) in subsection (2)(b)—
    - (i) in sub-paragraph (i), for “sheriff” substitute “First-tier Tribunal”,
    - (ii) in sub-paragraph (ii), for “sheriff” substitute “First-tier Tribunal”,
    - (iii) in sub-paragraph (ii)(A), for “sheriff’s” substitute “First-tier Tribunal’s”,
    - (iv) in sub-paragraph (ii)(B), for “sheriff principal” substitute “Upper Tribunal”.
- 59 In section 97—
- (a) in subsection (6), for “court” substitute “tribunal”,
  - (b) in subsection (7), for “court” substitute “tribunal”.
- 60 In section 101(1)—
- (a) before the definition of “house”, insert—
    - ““First-tier Tribunal” means the First-tier Tribunal for Scotland,”
  - (b) after the definition of “unconnected person”, insert—
    - ““Upper Tribunal” means the Upper Tribunal for Scotland.”