
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 149 (C. 12)

PROPERTY FACTORS

The Property Factors (Scotland) Act 2011
(Commencement No. 2 and Transitional) Order 2012

<i>Made</i>	- - - -	<i>17th May 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>21st May 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30(2) and 33(2) and (4) of the Property Factors (Scotland) Act 2011⁽¹⁾.

Citation and commencement

1. This Order may be cited as the Property Factors (Scotland) Act 2011 (Commencement No. 2 and Transitional) Order 2012 and comes into force on 1st July 2012.

Appointed day

2.—(1) The day appointed for the coming into force of the provisions of the Property Factors (Scotland) Act 2011 (“the Act”) specified in column 1 of the Schedule to this Order (the subject matter of which is described in column 2 of the Schedule) is 1st July 2012.

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, that provision comes into force on 1st July 2012 for that purpose only.

Transitional

3. A person is not guilty of an offence under section 12(1) of the Act (operating as a property factor without registration) where—

- (a) the person is not operating as a property factor on 1st July 2012, but is so operating on 1st October 2012 having made an application for entry in the register⁽²⁾; and
- (b) the application has not yet been determined by the Scottish Ministers under section 4 of the Act.

(1) 2011 asp 8 (“the Act”).

(2) The register of property factors for the purposes of Part 1 (see section 1) of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
17th May 2012

KEITH BROWN
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 1(1)	Register of property factors	
Section 3	Application for registration	Any purpose for which section 3 is not already in force.
Sections 4 to 6	Registration; considerations in relation to registration; notification of registration, refusal to register or removal	
Section 7	Duty of responsible person to provide information	Any purpose for which section 7 is not already in force.
Sections 8 and 9	Removal from register; effect of refusal to enter in register or removed from register	
Section 10(1) to (4)	Section 9: interpretation etc.	
Section 11	Appeal against refusal to register or removal from register	
Section 13	Property factor registered numbers	Any purpose for which section 13 is not already in force.
Section 16	Naming of homeowner housing panel and re-naming of committees	

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order brings into force on 1st July 2012, Part 1 of the Property Factors (Scotland) Act 2011 (“the Act”) on the registration of property factors, insofar as it is not already in force, except for sections 1(2) (making the register public) and 12 (offence of operating as a property factor without registration). It also brings into force on that day section 16 of the Act (dispute resolution) which provides for the homeowner housing panel and committees.

Article 3 makes transitional provision so those whose applications for registration as a property factor have not been determined by 1st October 2012 are not guilty of the offence of operating as a property factor without registration. It extends the protection provided by section 12(2) of the Act to those who begin to act as a property factor after 1st July 2012.

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The Bill for the Act received Royal Assent on 7th April 2011. Part 3 of the Act came into force on 8th April 2011.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1(3)	23rd September 2011	2011/328
Section 2	23rd September 2011	2011/328
Section 3 (partially)	23rd September 2011	2011/328
Section 7 (partially)	23rd September 2011	2011/328
Section 10(5)	23rd September 2011	2011/328
Section 13 (partially)	23rd September 2011	2011/328
Section 14	23rd September 2011	2011/328
Section 15	23rd September 2011	2011/328
Section 25	23rd September 2011	2011/328
Section 26	23rd September 2011	2011/328

The remainder of the Act (including section 12 in Part 1) will come into force on 1st October 2012 under section 33(2) of the Act.