

SCHEDULE 2

PART 1

Consequential amendments and repeals of primary legislation

Rent (Scotland) Act 1984

- 1.—(1) The Rent (Scotland) Act 1984⁽¹⁾ is amended as follows.
- (2) Section 44 (private rented housing committees) and Schedule 4 are repealed.
- (3) In section 46(6) (applications for registration of rents), for “a private rented housing committee” substitute “the First-tier Tribunal”.
- (4) In section 48(1) (determination of a fair rent), for “private rented housing committee” substitute “First-tier Tribunal”.
- (5) In section 49 (amount to be registered as rent)—
 - (a) in subsection (2), for “private rented housing committee”, substitute “the First-tier Tribunal”;
 - (b) in subsection (3), for “private rented housing committee”, substitute “the First-tier Tribunal”; and
 - (c) in subsection (6), for “private rented housing committee are” substitute “First-tier Tribunal is”.
- (6) In section 50(4) (effect of registration of rent)—
 - (a) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (b) for “committee make their” substitute “First-tier Tribunal makes its”.
- (7) In section 53(1)(b) (regulations), omit “and private rented housing committees”.
- (8) In section 60(2) (supplemental to sections 55 to 59)—
 - (a) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (b) in the proviso, for “private rented housing committee” substitute “First-tier Tribunal”.
- (9) In section 65 (reference of contracts to private rented housing committees and obtaining by them of information)—
 - (a) in subsection (1), for “private rented housing committee for the area in question” substitute “First-tier Tribunal”;
 - (b) in subsection (2)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (ii) for “they” in both places that it occurs substitute “it”; and
 - (iii) for “them” substitute “it”.
- (10) The title of section 65 becomes “**References of contracts to the First-tier Tribunal and obtaining by it of information**”.
- (11) In section 66 (powers of private rented housing committees on reference of contracts)—
 - (a) in subsection (1)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (ii) for “committee have” substitute “First-tier Tribunal has”;

(1) 1984 c.58.

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- (iii) for “committee” in each place that it subsequently occurs substitute “First-tier Tribunal”;
 - (iv) for “they think” in both places that it occurs substitute “it thinks”;
 - (v) for “their” in both places that it occurs substitute “its”; and
 - (vi) for “they may” substitute “it may”;
 - (b) in subsection (2), for “committee” substitute “First-tier Tribunal”;
 - (c) in subsection (4)—
 - (i) for “a rent assessment committee” substitute “the First-tier Tribunal”;
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
 - (d) in subsection (5), for “A private renting housing committee” substitute “The First-tier Tribunal”.
- (12) The title of section 66 becomes “**Powers of the First-tier Tribunal on reference of contracts**”.
- (13) Section 66A (transitional references of Part VII contracts) is omitted.
- (14) In section 67 (register of rents under Part VII contracts)—
- (a) in subsection (1), for “private rented housing committee” substitute “First-tier Tribunal”;
 - (b) in subsection (2), for “committee” in both places that it occurs substitute “First-tier Tribunal”;
 - (c) in subsection (4)—
 - (i) for “by the clerk or other authorised officer of” substitute “on behalf of”;
 - (ii) for “committee” substitute “First-tier Tribunal”; and
 - (iii) for “by such clerk or other officer” substitute “on behalf of the First-tier Tribunal”; and
 - (d) in subsection (6), for “such committee” substitute “the First-tier Tribunal”.
- (15) In section 68 (reconsideration of rent after registration), for “private rented housing committee” substitute “First-tier Tribunal”.
- (16) In section 70 (cancellation of entries in register at instance of landlord)—
- (a) in subsection (1), for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (b) in subsection (3)—
 - (i) for “committee” substitute “First-tier Tribunal”; and
 - (ii) for “subsections (1) and (2) above are” substitute “subsection (1) is”;
 - (c) subsection (4) is omitted; and
 - (d) in subsection (6), for “committee” substitute “First-tier Tribunal”.
- (17) In section 71 (notice to quit served after reference of contract to private rented housing committee)—
- (a) in subsection (1)—
 - (i) for “a private rented housing committee” substitute “the First-tier Tribunal”; and
 - (ii) for “committee” where it subsequently occurs substitute “First-tier Tribunal”; and
 - (b) in subsection (2)—
 - (i) in paragraph (a), for “committee may, if they think” substitute “First-tier Tribunal may, if it thinks”; and

(ii) in paragraph (b), for “committee” substitute “First-tier Tribunal”.

(18) The title of section 71 becomes “**Notice to quit served after reference of contract to the First-tier Tribunal**”.

(19) In section 72 (application to private rented housing committee for security of tenure where notice to quit is served)—

(a) in subsection (1)—

(i) in paragraph (b), for “a private rented housing committee” substitute “the First-tier Tribunal”; and

(ii) in the closing words, for “committee” substitute “First-tier Tribunal”;

(b) in subsection (3)—

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

(ii) for “they think” substitute “it thinks”;

(c) in subsection (4), for “committee refuse” substitute “First-tier Tribunal refuses”; and

(d) in subsection (5)—

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

(ii) for “their” substitute “its”.

(20) The title of section 72 becomes “**Application to the First-tier Tribunal for security of tenure where notice to quit is served**”.

(21) In section 74 (reduction of period of notice on account of lessee’s default)—

(a) in subsection (1), for “a private rented housing committee” substitute “the First-tier Tribunal”; and

(b) in subsection (2), for “committee” in both places that it occurs substitute “First-tier Tribunal”.

(22) In section 77 (jurisdiction of private rented housing committees)—

(a) in the opening words, for “a private rented housing committee” substitute “the First-tier Tribunal”; and

(b) in the closing words—

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

(ii) for “them” and “they” substitute “it”.

(23) The title of section 77 becomes “**Jurisdiction of the First-tier Tribunal**”.

(24) In section 80(1) (regulations), paragraphs (a) and (b) are omitted.

(25) In section 81(1) (interpretation of Part VII), in the entry for “register”, for “a private rented housing committee” substitute “the First-tier Tribunal”.

(26) In section 85(1)(b) (prohibition of premiums on grant, etc. of Part VII contracts), for “private rented housing committee” substitute “First-tier Tribunal”.

(27) In section 115 (interpretation)—

(a) in subsection (1) —

(i) the entry for “private rented housing committee” is omitted; and

(ii) after the entry for “converted tenancy” insert ““First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber”; and

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- (b) in subsection (2), after “rent tribunal” insert “or a private rented housing committee” and for “a private rented housing committee within the meaning of section 44 above” substitute “the First-tier Tribunal”.
- (28) In Schedule 5 (applications for registration of rents)—
- (a) in paragraph 6, for “a private rented housing committee” in both places that it occurs substitute “the First-tier Tribunal”; and
 - (b) in paragraph 7—
 - (i) in sub-paragraph (1), for “a private rented housing committee” in each place that it occurs substitute “the First-tier Tribunal” and for “direct” substitute “directs”; and
 - (ii) in sub-paragraph (2), for “a rent assessment committee” substitute “the First-tier Tribunal”;
 - (c) in paragraph 8(1)—
 - (i) for “private rented housing committee” substitute “First-tier Tribunal”;
 - (ii) for “committee” in each place that it subsequently occurs, substitute “First-tier Tribunal”; and
 - (iii) for “they” substitute “it”;
 - (d) the italic heading preceding paragraph 8 becomes “*Determination of fair rent by the First-tier Tribunal*”;
 - (e) in paragraph 9, for “committee” in both places that it occurs substitute “First-tier Tribunal”;
 - (f) in paragraph 10—
 - (i) in each of sub-paragraphs (1), (2) and (3), for “committee” substitute “First-tier Tribunal”;
 - (ii) in sub-paragraph (1), for “they think” substitute “it thinks” and for “they” in each place that it subsequently occurs substitute “it”;
 - (iii) in sub-paragraphs (1) and (2), for “them” in each place that it occurs substitute “it”;
 - and
 - (iv) in sub-paragraph (2), for “they” substitute “it” and for “their” substitute “its”;
 - (g) in paragraph 11(3), for “a private rented housing committee” in both places that it occurs substitute “the First-tier Tribunal”;
 - (h) in paragraph 12—
 - (i) for “a private rented housing committee” in each place that it occurs substitute “the First-tier Tribunal”; and
 - (ii) in sub-paragraph (a), for “direct” substitute “directs”; and
 - (i) in paragraph 13—
 - (i) in sub-paragraph (1), for the words from the start to “above” substitute “Where a matter is referred under paragraph 12 to the First-tier Tribunal”; and
 - (ii) in sub-paragraph (2)—
 - (aa) for “rent assessment committee” substitute “First-tier Tribunal”;
 - (bb) for “they are” substitute “it is”; and
 - (cc) for “they shall” substitute “it shall”.
- (29) In Schedule 6 (certificates of fair rent)—
- (a) in paragraph 2—

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- (i) in sub-paragraph (1), for “a private rented housing committee” in both places that it occurs substitute “the First-tier Tribunal”; and
- (ii) in sub-paragraph (2)—
 - (aa) for “a private rented housing committee so direct” substitute “the First-tier Tribunal so directs”;
 - (bb) in each place that “a private rented housing committee” subsequently occurs substitute “the First-tier Tribunal”;
- (b) in paragraph 5, for “a private rented housing committee” in both places that it occurs substitute “the First-tier Tribunal”;
- (c) in paragraph 6—
 - (i) in sub-paragraph (1)—
 - (aa) for “a private rented housing committee so direct” substitute “the First-tier Tribunal so directs”; and
 - (bb) for “a private rented housing committee” in each place that it subsequently occurs substitute “the First-tier Tribunal”; and
 - (ii) in sub-paragraph (2) for “a rent assessment committee” substitute “the First-tier Tribunal”;
- (d) in paragraph 7—
 - (i) in sub-paragraph (1)—
 - (aa) for “a private rented housing committee” substitute “the First-tier Tribunal”;
 - (bb) for “committee” substitute “First-tier Tribunal”; and
 - (cc) for “they” substitute “it”;
 - (ii) in sub-paragraph (2)—
 - (aa) for “a private rented housing committee, they” substitute “the First-tier Tribunal, it”; and
 - (bb) for “committee” substitute “First-tier Tribunal”; and
 - (iii) in sub-paragraph (3), for “committee” substitute “First-tier Tribunal”;
- (e) in paragraph 8, for “committee” in both places that it occurs substitute “First-tier Tribunal”; and
- (f) in paragraph 9, for “a private rented housing committee” substitute “the First-tier Tribunal”.