Property Factors (Scotland) Act 2011

2011 asp 8

PART 1

REGISTRATION OF PROPERTY FACTORS

Establishment of register etc.

1   Register of property factors

(1) The Scottish Ministers are to prepare and maintain a register of property factors for the purposes of this Part ("the register").

(2) The register must be available for public inspection at all reasonable times.

[**F1**(2A) The Scottish Ministers may omit any material which falls within section 5(2) from the register made available for public inspection if they consider it appropriate to do so.]

(3) In this Part, "registered" means registered in the register, and "unregistered" means not registered in the register.

Textual Amendments

F1   S. 1(2A) inserted (3.10.2012) by The Property Factors (Scotland) Act 2011 (Modification) Order 2012 (S.S.I. 2012/269), arts. 1, **2**

Commencement Information

I1   S. 1(1) in force at 1.7.2012 by S.S.I. 2012/149, art. 2, **sch.** (with art. 3)
I2   S. 1(2) in force at 1.10.2012, see s. 33(2)
I3   S. 1(3) in force at 23.9.2011 by S.S.I. 2011/328, art. 2, **sch.**

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2   Meaning of "property factor"

(1) In this Act, "property factor" means—

(a)   a person who, in the course of that person's business, manages the common parts of land owned by two or more other persons and used to any extent for residential purposes,

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    (b)   a local authority or housing association which manages the common parts of land used to any extent for residential purposes and owned—

        (i) by two or more other persons, or

        (ii) by the local authority or housing association and one or more other person,

    (c)   a person who, in the course of that person's business, manages or maintains land which is available for use by the owners of any two or more adjoining or neighbouring residential properties (but only where the owners of those properties are required by the terms of the title deeds relating to the properties to pay for the cost of the management or maintenance of that land), and

    (d)   a local authority or housing association which manages or maintains land which is available for use by—

        (i) the owners of any two or more adjoining or neighbouring residential properties, or

        (ii) the local authority or housing association and the owners of any one or more such properties,

but only where the owners of those properties are required by the terms of the title deeds relating to the properties to pay for the cost of the management or maintenance of that land.

(2) Despite subsection (1), the following are not property factors for the purposes of this Act—

    (a)   a person so far as managing or maintaining land on behalf of the Crown that was acquired by virtue of Her Majesty's prerogative rights in relation to unclaimed or ownerless land,

    (b)   an owners' association established by the development management scheme (within the meaning of the Title Conditions (Scotland) Act 2003 (asp 9)) so far as managing or maintaining common parts or land in accordance with the scheme,

    (c)   a person so far as managing or maintaining common parts or land on behalf of another person who is a property factor in relation to the same common parts or land.

(3) The Scottish Ministers may by order modify either or both of subsections (1) and (2).

(4) An order under subsection (3) may make such consequential modifications of any other provision of this Act as may be necessary or appropriate.

(5) An order under subsection (3) is not to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.

(6) In this Part—

"housing association" has the meaning given by section 1 of the Housing Associations Act 1985 (c.69),

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).

Commencement Information

I4   S. 2 in force at 23.9.2011 by S.S.I. 2011/328, art. 2, **sch.**

Changes to legislation:
There are currently no known outstanding effects for the Property Factors (Scotland) Act 2011, Cross Heading: Establishment of register etc..