

Draft Order laid before the Scottish Parliament under section 29(3) of the Property Factors (Scotland) Act 2011, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

PROPERTY FACTORS

The Property Factors (Scotland) Act
2011 (Modification) Order 2012

<i>Made</i>	- - - -	2012
<i>Coming into force</i>	- -	2012

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 29(1) and (2) and 30(2) of the Property Factors (Scotland) Act 2011⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 29(3) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Property Factors (Scotland) Act 2011 (Modification) Order 2012 and comes into force on the day after the day on which it is made.

Modification – register of property factors

2. After section 1(2) of the Property Factors (Scotland) Act 2011, insert—

“(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⁾.”.

(1) [2011 asp 8](#) (“the 2011 Act”).

(2) Section 29(3) has been modified by paragraph 5(2) of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) This includes material which is required to be contained in an application for registration as a property factor made under section 3(1) of the 2011 Act by virtue of regulation 3 of the Property Factors (Registration) (Scotland) Regulations 2012 (S.S.I. 2012/181).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish
Statutory Instrument: The Property Factors (Scotland) Act 2011 (Modification) Order 2012 No. 269

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Property Factors (Scotland) Act 2011 to make supplementary provision to allow material about individuals directly concerned with the control or governance of property factors to be excluded from the register of property factors when the register is made available to the public.

The material which can be excluded relates to—

- conviction of any offence involving fraud or other dishonesty, violence or drugs;
- practice of unlawful discrimination on the grounds of any of the protected characteristics in Part 2 of the Equality Act 2010 (c.15) – the protected characteristics are currently: age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation; and
- contravention of any provision of the law relating to tenements, property or debt.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.