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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016**

**Citation and commencement**

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016.

(2) These Regulations come into force on 1st December 2016.

**Interpretation**

2. In these Regulations—

“the 2014 Act” means the Tribunals (Scotland) Act 2014;

“the hohp” means the panel constituted under schedule 4 of the Rent (Scotland) Act 1984(1), to be known as the homeowner housing panel in terms of section 16(2) of the Property Factors (Scotland) Act 2011(2) when exercising functions conferred on it by virtue of section 16(1) of that Act; and

the “hohp functions” means the functions exercised by the hohp (including those of the president of the panel and the members of the panel, but not the vice president of the panel) by virtue of section 16(1) of the Property Factors (Scotland) Act 2011.

**Transfer of hohp functions to the First-tier Tribunal and abolition of hohp**

3.—(1) Subject to regulations 5 and 6, the hohp functions are transferred to the First-tier Tribunal with allocation to the First-tier Tribunal Housing and Property Chamber.

(2) The hohp is abolished.

**Transfer of hohp members to the First-tier Tribunal**

4.—(1) Subject to paragraphs (2) and (3), members of the hohp under the age of 75 on the coming into force of these Regulations are transferred to and become members of the First-tier Tribunal, with legal members of the hohp becoming legal members of the First-tier Tribunal, and other members of the hohp (including the vice-president) becoming ordinary members of the First-tier Tribunal.

(2) Members of the hohp transferred to the First-tier Tribunal under paragraph (1) shall (subject to the provisions of the 2014 Act) be members of the First-tier Tribunal in accordance with terms and conditions to be offered by the Scottish Ministers on transfer, which will supersede any existing terms and conditions of appointment.

(3) A member of the hohp who is aged 70 or over on the coming into force of these Regulations shall transfer only if the Scottish Ministers in consultation with the President of Tribunals consider it desirable in the public interest that the member should transfer.

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(1) 1984 c.58.

(2) 2011 asp 8.

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The First-tier Tribunal for Scotland (Transfer of Functions of the Homeowner Housing Panel) Regulations 2016* ISBN 978-0-11-103270-1

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### **Transitional and savings provisions**

5. Schedule 1 of these Regulations contains transitional and savings provisions.

### **Consequential amendments and repeals**

6. The consequential amendments and repeals set out in schedule 2 of these Regulations have effect.

### **Consequential amendments to the Property Factors (Scotland) Act 2011 Code of Conduct of Property Factors**

7. The consequential amendments to the Property Factors (Scotland) Act 2011 Code of Conduct of Property Factors set out in schedule 3 of these Regulations have effect.

St Andrew's House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers