

SCHEDULE 2

Regulation 6(1)

Consequential amendments and repeals of primary legislation

Housing (Scotland) Act 1988

- 1.—(1) The Housing (Scotland) Act 1988⁽¹⁾ is amended as follows.
- (2) In section 49 (information as to determination of rents)—
 - (a) in subsection (1), for “private rented housing panel” substitute “First-tier Tribunal”; and
 - (b) in subsection (2), for “private rented housing panel” substitute “First-tier Tribunal”.

Housing (Scotland) Act 2006

- 2.—(1) The Housing (Scotland) Act 2006⁽²⁾ is amended as follows.
- (2) In section 22 (application in respect of the repairing standard)—
 - (a) in subsection (1), for “private rented housing panel” substitute “First-tier Tribunal”; and
 - (b) in subsection (1A), for “private rented housing panel” substitute “First-tier Tribunal”.
- (3) In section 22A (information to be given to local authority), in subsection (1), for “private rented housing panel” substitute “First-tier Tribunal”.
- (4) In section 23 (referral to private rented housing committee)—
 - (a) in subsection (1), in the opening words, for “The president of the private rented housing panel” substitute “The Chamber President”;
 - (b) in subsection (2), in the opening words, for “president” in both places that it occurs substitute “Chamber President”;
 - (c) in subsection (3)—
 - (i) in the opening words, for “president” substitute “Chamber President”;
 - (ii) in paragraph (a), for “panel’s” substitute “First-tier Tribunal’s”;
 - (iii) in paragraph (b), for “president” substitute “Chamber President”; and
 - (iv) in the closing words, for “president” substitute “Chamber President”;
 - (d) in subsection (4), for “president” in both places that it occurs substitute “Chamber President”;
 - (e) in subsection (4A), for “president” substitute “Chamber President”.
- (5) The title to section 23 becomes “**Consideration of applications**”.
- (6) After section 23 insert—

“23A. Delegation of Chamber President’s functions

- (1) The Chamber President may delegate the Chamber President’s functions under this Act to any legal or ordinary member of the First-tier Tribunal.
- (2) A delegation under this section does not affect the Chamber President’s—
 - (a) responsibility for the carrying out of delegated functions, or
 - (b) ability to carry out delegated functions.”.
- (7) In section 28A (landlord application to private rented housing panel)—

(1) 1988 c.43.
(2) 2006 asp 1.

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 Private Rented Housing Panel) Regulations 2016 ISBN 978-0-11-103272-5

- (a) in subsection (1), for “private rented housing panel” substitute “First-tier Tribunal”;
 - (b) in subsection (2)—
 - (i) for “president of the panel” substitute “Chamber President”;
 - (ii) for “panel” in each place that it subsequently occurs substitute “First-tier Tribunal”;
 - (c) in subsection (3), in the opening words, for “panel” substitute “First-tier Tribunal”;
 - (d) in subsection (4), for “panel” in both places that it occurs substitute “First-tier Tribunal”;
 - (e) in subsection (5), for “panel” in each place that it occurs substitute “First-tier Tribunal”;
 - (f) in subsection (6), for “panel” in both places that it occurs substitute “First-tier Tribunal”;
 - (g) in subsection (7), for “panel” in both places that it occurs substitute “First-tier Tribunal”;
 - and
 - (h) in subsection (8), for “panel” in both places that it occurs substitute “First-tier Tribunal”.
- (8) The title to section 28A becomes “**Landlord application to the First-tier Tribunal**”.
- (9) In section 28B (landlord application to private rented housing panel: further provision)—
- (a) in subsection (2)(c), for “panel” substitute “First-tier Tribunal”; and
 - (b) in subsection (3)—
 - (i) for “panel” where it first occurs substitute “First-tier Tribunal”; and
 - (ii) for “private rented housing panel” substitute “First-tier Tribunal”.
- (10) The title to section 28B becomes “**Landlord application to the First-tier Tribunal: further provision**”.
- (11) In section 28C (panel member to arrange suitable time for access)—
- (a) in subsection (1), for “panel” substitute “First-tier Tribunal”;
 - (b) in subsection (2), for “panel” substitute “First-tier Tribunal”;
 - (c) in subsection (3)(a), for “panel” substitute “First-tier Tribunal”;
 - (d) in subsection (4), for “panel” substitute “First-tier Tribunal”;
 - (e) in subsection (5), for “panel” substitute “First-tier Tribunal”;
 - (f) in subsection (6), for “panel” substitute “First-tier Tribunal”;
 - (g) in subsection (7), for “panel” in each place that it occurs substitute “First-tier Tribunal”;
 - (h) in subsection (8), for “panel” substitute “First-tier Tribunal”;
 - (i) in subsection (9), for “panel” in both places that it occurs substitute “First-tier Tribunal”;
 - (j) in subsection (10)—
 - (i) in the opening words, for “panel” substitute “First-tier Tribunal”;
 - (ii) paragraph (b) and the “or” immediately preceding are repealed;
 - (k) subsection (11) is repealed; and
 - (l) in subsection (12)—
 - (i) for “panel” where it first occurs substitute “First-Tier Tribunal”; and
 - (ii) for “private rented housing panel” substitute “First-tier Tribunal”.
- (12) The title to section 28C becomes “**First-tier Tribunal Member to arrange suitable time for access**”.
- (13) Section 29 (annual report) is repealed.
- (14) In section 64 (Part 1 appeals), in subsection (5), for “president of the private rented housing panel” substitute “Chamber President”.

(15) In section 65 (Part 1 appeals: determination) in subsection (2)(b) for “president” substitute “Chamber President”.

(16) In section 181 (rights of entry: general), in subsection (2A) for “private rented housing panel” substitute “First-tier Tribunal”.

(17) In section 194 (interpretation), in subsection (1)—

(a) after the definition of “building regulations” insert—

““Chamber President” means the President of the First-tier Tribunal Housing and Property Chamber;”; and

(b) the definition of “private rented housing panel” is repealed.

(18) In schedule 2 (private rented housing committees: procedure etc.)—

(a) in paragraph 1(1), for paragraph (b), substitute—

“(b) stating that the Chamber President has referred the application to be heard by the First-tier Tribunal, and”;

(b) in paragraph 7(2), in the opening words—

(i) for “president of the private rented housing panel refers” substitute “Chamber President has referred”; and

(ii) for “president” where it subsequently occurs substitute “Chamber President”.

(c) in paragraph 8(2), the words “the private rented housing panel or” are repealed.

Public Services Reform (Scotland) Act 2010

3.—(1) The Public Services Reform (Scotland) Act 2010(**3**) is amended as follows.

(2) In schedule 5 (improvement of public functions: listed bodies), the entry for the Private Rented Housing Panel is repealed.

(3) In schedule 8 (information on the exercise of public functions: listed public bodies), the entry for the Private Rented Housing Panel is repealed.

Public Records (Scotland) Act 2011

4.—(1) The Public Records (Scotland) Act 2011(**4**) is amended as follows.

(2) In schedule 1 (authorities to which Part 1 applies), the entry for the Private rented housing panel is repealed.

(3) 2010 asp 8.
(4) 2011 asp 12.