
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a code of conduct setting out minimum standards of practice for property factors registered in the register of property factors (the “property factor code of conduct”)(1). The property factor code of conduct was prepared under section 14(1) of the Property Factors (Scotland) Act 2011 (“the Act”).

The register of property factors is to be prepared and maintained by the Scottish Ministers in accordance with section 1(1) of the Act. A registered property factor is obliged to comply with the property factor code of conduct (in terms of section 14(5) of the Act).

The Scottish Ministers will consider compliance with the property factor code of conduct in deciding whether or not to accept an application for entry in the register of property factors (in accordance with section 4 of the Act) and any removal of a property factor from the register (in accordance with section 8 of the Act).

A homeowner may apply to the homeowner housing panel for determination of whether a property factor has failed to ensure compliance with the property factor code of conduct (applications are made under section 17(1) of the Act).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, Endeavour House, Greenmarket, Dundee, DD1 4QB, and online at www.legislation.gov.uk.

(1) A copy of the property factor code of conduct is annexed to the Executive Note accompanying this Order and is accessible at: www.legislation.gov.uk.