Draft Regulations laid before the Scottish Parliament under section 79(2)(a) and (b) and section 80(2)(a) of the Tribunals (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016

Made - - - -	*2016*
Coming into force - -	*1st December 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 20(2), 28(2), 79(1) and 80(1) of the Tribunals (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with section 11(1)(a) and (b) of that Act, the Scottish Ministers have obtained the Lord President's approval and have consulted such other persons as they considered appropriate.

In accordance with section 79(2)(a) and (b) and section 80(2)(a) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) 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 prhcs" means the rent assessment committees constituted in accordance with schedule 4 of the Rent (Scotland) Act 1984(**b**), to be known as the private rented housing committees in terms of section 21(2) of the Housing (Scotland) Act 2006(**c**); and

"the prhcs functions" means the functions exercised by prhcs by virtue of section 21(3) of the Housing (Scotland) Act 2006.

(**a**) 2014 asp 10.
(**b**) 1984 c.58.
(**c**) 2006 asp 1.

Transfer of prhcs functions to the First-tier Tribunal and abolition of prhcs

3.—(1) Subject to regulations 4 and 5, the prhcs functions are transferred to the First-tier Tribunal with allocation to the First-tier Tribunal Housing and Property Chamber.

(2) The prhcs are abolished.

Transitional and savings provisions

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

Consequential amendments and repeals

5.—(1) The consequential amendments and repeals of primary legislation set out in Part 1 of schedule 2 of these Regulations have effect.

(2) The consequential amendments and revocations to subordinate legislation set out in Part 2 of schedule 2 of these Regulations have effect.

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

SCHEDULE 1

Regulation 4

Transitional and savings provisions

Applications and proceedings in progress before the prhcs on 1st December 2016 to transfer to the First-tier Tribunal

1. Any applications referred to the prhcs before 1st December 2016 but not yet determined or any proceedings already in progress before that date involving prhcs shall be transferred to and be completed by the First-tier Tribunal but with so far as possible the same persons hearing and determining the case before the First-tier Tribunal as members of that tribunal as were prior to 1st December 2016 hearing the case as members of the prhcs.

Decisions, directions and orders of the prhcs to continue in force

2. Any decision (whether or not called a decision), direction or order given or made in applications to and proceedings before the prhcs which is in force immediately before 1st December 2016 remains in force on and after that date as if it were a decision, direction or order of the First-tier Tribunal.

Time limits in respect of applications to and proceedings before the prhcs to carry over to the First-tier Tribunal

3. Any time limit which has started to run before 1st December 2016 in respect of applications to and proceedings before the prhcs (and which has not expired) shall continue to apply where applications and proceedings are transferred to the First-tier Tribunal.

Unexercised right of appeal to sheriff, if exercised, to be appeal to the Upper Tribunal

4. Where in respect of a decision of the prhcs before 1st December 2016, there lies a right of appeal to the sheriff, which has not been exercised before that date but is still exercisable, any appeal on or after 1st December 2016 shall be to the Upper Tribunal for Scotland as if the decision had been made by the First-tier Tribunal and the appeal shall be an appeal from the First-tier Tribunal for the purposes of section 46(1) of the 2014 Act.

Savings provision

5. Where in respect of a decision of the prhcs before 1st December 2016, there lies a right of appeal to the sheriff, which has been exercised before that date, the appeal to the sheriff is not affected by these Regulations or the First-tier Tribunal for Scotland (Transfer of Functions of Private Rented Housing Panel) Regulations 2016(**a**).

(**a**) S.S.I. 2016/ .

SCHEDULE 2

Regulation 5

PART 1

Consequential amendments and repeals of primary legislation

Rent (Scotland) Act 1984

1.—(1) The Rent (Scotland) Act 1984(**a**) is amended as follows.

(2) Section 44 (private rented housing committees) and Schedule 4 are repealed.

(3) In section 46(6) (applications for registration of rents), for "a private rented housing committee" substitute "the First-tier Tribunal".

(4) In section 48(1) (determination of a fair rent), for "private rented housing committee" substitute "First-tier Tribunal".

(5) In section 49 (amount to be registered as rent)—

(a) in subsection (2), for "private rented housing committee", substitute "the First-tier Tribunal";

(b) in subsection (3), for "private rented housing committee", substitute "the First-tier Tribunal"; and

(c) in subsection (6), for "private rented housing committee are" substitute "First-tier Tribunal is".

(6) In section 50(4) (effect of registration of rent)—

(a) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(b) for "committee make their" substitute "First-tier Tribunal makes its".

(7) In section 53(1)(b) (regulations), omit "and private rented housing committees".

(8) In section 60(2) (supplemental to sections 55 to 59)—

(a) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(b) in the proviso, for "private rented housing committee" substitute "First-tier Tribunal".

(9) In section 65 (reference of contracts to private rented housing committees and obtaining by them of information)—

(a) in subsection (1), for "private rented housing committee for the area in question" substitute "First-tier Tribunal";

(b) in subsection (2)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal";

(ii) for "they" in both places that it occurs substitute "it"; and

(iii) for "them" substitute "it".

(10) The title of section 65 becomes "**References of contracts to the First-tier Tribunal and obtaining by it of information**".

(11) In section 66 (powers of private rented housing committees on reference of contracts)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal";

(ii) for "committee have" substitute "First-tier Tribunal has";

(iii) for "committee" in each place that it subsequently occurs substitute "First-tier Tribunal";

(**a**) 1984 c.58.

(iv) for "they think" in both places that it occurs substitute "it thinks";

(v) for "their" in both places that it occurs substitute "its"; and

(vi) for "they may" substitute "it may";

(b) in subsection (2), for "committee" substitute "First-tier Tribunal";

(c) in subsection (4)—

(i) for "a rent assessment committee" substitute "the First-tier Tribunal";

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(d) in subsection (5), for "A private renting housing committee" substitute "The First-tier Tribunal".

(12) The title of section 66 becomes "**Powers of the First-tier Tribunal on reference of contracts**".

(13) Section 66A (transitional references of Part VII contracts) is omitted.

(14) In section 67 (register of rents under Part VII contracts)—

(a) in subsection (1), for "private rented housing committee" substitute "First-tier Tribunal";

(b) in subsection (2), for "committee" in both places that it occurs substitute "First-tier Tribunal";

(c) in subsection (4)—

(i) for "by the clerk or other authorised officer of" where those words first occur substitute "on behalf of";

(ii) for "committee" substitute "First-tier Tribunal"; and

(iii) for "by such clerk or other officer" where those words second occur substitute "on behalf of the First-tier Tribunal"; and

(d) in subsection (6), for "such committee" substitute "the First-tier Tribunal".

(15) In section 68 (reconsideration of rent after registration), for "private rented housing committee" substitute "First-tier Tribunal".

(16) In section 70 (cancellation of entries in register at instance of landlord)—

(a) in subsection (1), for "a private rented housing committee" substitute "the First-tier Tribunal";

(b) in subsection (3)—

(i) for "committee" substitute "First-tier Tribunal"; and

(ii) for "subsections (1) and (2) above are" substitute "subsection (1) is";

(c) subsection (4) is omitted; and

(d) in subsection (6), for "committee" substitute "First-tier Tribunal".

(17) In section 71 (notice to quit served after reference of contract to private rented housing committee)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(b) in subsection (2)—

(i) in paragraph (a), for "committee may, if they think" substitute "First-tier Tribunal may, if it thinks"; and

(ii) in paragraph (b), for "committee" substitute "First-tier Tribunal".

(18) The title of section 71 becomes "**Notice to quit served after reference of contract to the First-tier Tribunal**".

(19) In section 72 (application to private rented housing committee for security of tenure where notice to quit is served)—

(a) in subsection (1)—

(i) in paragraph (b), for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) in the closing words, for "committee" substitute "First-tier Tribunal";

(b) in subsection (3)—

(i) for "committee" substitute "First-tier Tribunal"; and

(ii) for "they think" substitute "it thinks";

(c) in subsection (4), for "committee refuse" substitute "First-tier Tribunal refuses"; and

(d) in subsection (5)—

(i) for "committee" substitute "First-tier Tribunal"; and

(ii) for "their" substitute "its".

(20) The title of section 72 becomes "**Application to the First-tier Tribunal for security of tenure where notice to quit is served**".

(21) In section 74 (reduction of period of notice on account of lessee's default)—

(a) in subsection (1), for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(b) in subsection (2), for "committee" in both places that it occurs substitute "First-tier Tribunal".

(22) In section 77 (jurisdiction of private rented housing committees)—

(a) in the opening words, for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(b) in the closing words—

(i) for "committee" substitute "First-tier Tribunal"; and

(ii) for "them" and "they" substitute "it".

(23) The title of section 77 becomes "**Jurisdiction of the First-tier Tribunal**".

(24) In section 80(1) (regulations), paragraphs (a) and (b) are omitted.

(25) In section 81(1) (interpretation of Part VII), in the entry for "register", for "a private rented housing committee" substitute "the First-tier Tribunal".

(26) In section 85(1)(b) (prohibition of premiums on grant, etc. of Part VII contracts), for "private rented housing committee" substitute "First-tier Tribunal".

(27) In section 115 (interpretation)—

(a) in subsection (1) —

(i) the entry for "private rented housing committee" is omitted; and

(ii) after the entry for "converted tenancy" insert ""First-tier Tribunal" means the First-tier Tribunal for Scotland Housing and Property Chamber"; and

(b) in subsection (2), after "rent tribunal" insert "or a private rented housing committee" and for "a private rented housing committee within the meaning of section 44 above" substitute "the First-tier Tribunal".

(28) In Schedule 5 (applications for registration of rents)—

(a) in paragraph 6, for "a private rented housing committee" in both places that it occurs substitute "the First-tier Tribunal"; and

(b) in paragraph 7—

(i) in sub-paragraph (1), for "a private rented housing committee" in each place that it occurs substitute "the First-tier Tribunal" and for "direct" substitute "directs"; and

(ii) in sub-paragraph (2), for "a rent assessment committee" substitute "the First-tier Tribunal";

(c) in paragraph 8(1)—

(i) for "private rented housing committee" substitute "First-tier Tribunal";

(ii) for "committee" in each place that it subsequently occurs, substitute "First-tier Tribunal"; and

(iii) for "they" substitute "it";

(d) the italic heading preceding paragraph 8 becomes "*Determination of fair rent by the First-tier Tribunal*";

(e) in paragraph 9, for "committee" in both places that it occurs substitute "First-tier Tribunal";

(f) in paragraph 10—

(i) in each of sub-paragraphs (1), (2) and (3), for "committee" substitute "First-tier Tribunal";

(ii) in sub-paragraph (1), for "they think" substitute "it thinks" and for "they" in each place that it subsequently occurs substitute "it";

(iii) in sub-paragraphs (1) and (2), for "them" in each place that it occurs substitute "it"; and

(iv) in sub-paragraph (2), for "they" substitute "it" and for "their" substitute "its";

(g) in paragraph 11(3), for "a private rented housing committee" in both places that it occurs substitute "the First-tier Tribunal";

(h) in paragraph 12—

(i) for "a private rented housing committee" in each place that it occurs substitute "the First-tier Tribunal"; and

(ii) in sub-paragraph (a), for "direct" substitute "directs"; and

(i) in paragraph 13—

(i) in sub-paragraph (1), for the words from the start to "above" substitute "Where a matter is referred under paragraph 12 to the First-tier Tribunal"; and

(ii) in sub-paragraph (2)—

(aa) for "rent assessment committee" substitute "First-tier Tribunal";

(bb) for "they are" substitute "it is"; and

(cc) for "they shall" substitute "it shall".

(29) In Schedule 6 (certificates of fair rent)—

(a) in paragraph 2—

(i) in sub-paragraph (1), for "a private rented housing committee" in both places that it occurs substitute "the First-tier Tribunal"; and

(ii) in sub-paragraph (2)—

(aa) for "a private rented housing committee so direct" substitute "the First-tier Tribunal so directs";

(bb) in each place that it subsequently occurs substitute "the First-tier Tribunal";

(b) in paragraph 5, for "a private rented housing committee" in both places that it occurs substitute "the First-tier Tribunal";

(c) in paragraph 6—

(i) in sub-paragraph (1)—

(aa) for "a private rented housing committee so direct" substitute "the First-tier Tribunal so directs"; and

(bb) for "a private rented housing committee" in each place that it subsequently occurs substitute "the First-tier Tribunal"; and

(ii) in sub-paragraph (2) for "a rent assessment committee" substitute "the First-tier Tribunal";

(d) in paragraph 7—

(i) in sub-paragraph (1)—

(aa) for "a private rented housing committee" substitute "the First-tier Tribunal";

(bb) for "committee" substitute "First-tier Tribunal"; and

(cc) for "they" substitute "it";

(ii) in sub-paragraph (2)—

(aa) for "a private rented housing committee, they" substitute "the First-tier Tribunal, it"; and

(bb) for "committee" substitute "First-tier Tribunal"; and

(iii) in sub-paragraph (3), for "committee" substitute "First-tier Tribunal";

(e) in paragraph 8, for "committee" in both places that it occurs substitute "First-tier Tribunal"; and

(f) in paragraph 9, for "a private rented housing committee" substitute "the First-tier Tribunal".

Housing (Scotland) Act 1988

2.—(1) The Housing (Scotland) Act 1988(**a**) is amended as follows.

(2) In section 17 (fixing of terms of statutory assured tenancy)—

(a) in subsection (3)(a), for "a private rented housing committee", substitute "the First-tier Tribunal";

(b) in subsection (4)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal";

(c) for "committee's" in both places that it occurs substitute "First-tier Tribunal's";

(d) in subsection (5)—

(i) for "a private rented housing committee determine" substitute "the First-tier Tribunal determines"; and

(ii) for "they shall, if they consider" substitute "it shall, if it considers";

(e) in subsection (7)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee" in each place that it subsequently occurs substitute "First-tier Tribunal"; and

(f) in subsection (8), for "a private rented housing committee", substitute "the First-tier Tribunal".

(3) In section 24 (increases of rent under assured tenancies), in subsection (3)(a), for "a private rented housing committee" substitute "the First-tier Tribunal".

(4) In section 25 (determination of rent by private rented housing committee)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal";

(**a**) 1988 c.43.

(ii) for "committee" where it second occurs substitute "First-tier Tribunal"; and

(iii) for "committee consider" substitute "First-tier Tribunal considers";

(b) in subsection (4), for "private rented housing committee shall make their" substitute "First-tier Tribunal is to make its";

(c) in subsection (5)—

(i) in paragraph (a), for "a private rented housing committee have before them" substitute "the First-tier Tribunal has before it";

(ii) in paragraph (c), for "committee propose" substitute "First-tier Tribunal proposes";

(iii) in the closing words, for "committee" substitute "the First-tier Tribunal" and for their substitute "its";

(d) in subsection (6)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal";

(ii) for "committee" in each place where it otherwise occurs, substitute "First-tier Tribunal"; and

(iii) for "private rented housing committee" substitute "First-tier Tribunal"; and

(e) in subsection (7), for "a private rented housing committee to continue with their" substitute "the First-tier Tribunal to continue with its".

(5) The title of section 25 becomes "**Determination of rent by the First-tier Tribunal**".

(6) In section 25A (assured tenancies: transitional provisions), in subsection (4), for "a private rented housing committee" substitute "the First-tier Tribunal".

(7) In section 25B (determination of rent by private rented housing committee where section 25A applies)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal";

(b) in subsection (2)(b), for "committee" in both places that it occurs substitute "First-tier Tribunal";

(c) in subsection (3)—

(i) in paragraph (a), for "a private rented housing committee have before them" substitute "the First-tier Tribunal has before it";

(ii) in paragraph (c), for "committee propose" substitute "First-tier Tribunal proposes"; and

(iii) in the closing words for "committee" substitute "First-tier Tribunal"; and

(d) in subsection (4)(a), for "committee" substitute "First-tier Tribunal".

(8) The title of section 25B becomes "**Determination of rent by the First-tier Tribunal where section 25A applies**".

(9) In section 34 (reference of rents under short assured tenancies to private rented housing committee)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee's" substitute "First-tier Tribunal's";

(b) in subsection (3)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal";

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(iii) for "they consider" substitute "it considers"; and

(c) in subsection (4)—

(i) in the opening words, for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) in paragraph (a), for "committee" substitute "First-tier Tribunal".

(10) The title of section 34 becomes "**Reference of rents under short assured tenancies to the First-tier Tribunal**".

(11) The title of section 35 becomes "Disapplication of the First-tier Tribunal's functions under section 34".

(12) In section 44 (new "Part VII" contracts limited to transitional cases), in subsection (3)(a), for "private rented housing committees" substitute "the First-tier Tribunal".

(13) In section 48 (private rented housing committees: procedure and information powers)—

(a) in subsection (1), the words "and private rented housing committees" are omitted; and

(b) in subsection (2)—

(i) for "private rented housing committee to whom a matter is referred under this Part of this Act" substitute "First-tier Tribunal";

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal";

(iii) for "they" substitute "it"; and

(iv) for "their" substitute "its".

(14) The title of section 48 becomes "**First-tier Tribunal: procedure and information powers**".

(15) In section 48A (amounts attributable to services)—

(a) for "private rented housing committee" substitute "First-tier Tribunal";

(b) for "committee" in each place where it subsequently occurs substitute "First-tier Tribunal"; and

(c) for "their" substitute "its".

(16) In section 49 (information as to determination of rents), in subsection (1), for "private rented housing committees" substitute "the First-tier Tribunal".

(17) In section 55(1) after the entry for "council tax" insert ""First-tier Tribunal" means the First-tier Tribunal for Scotland Housing and Property Chamber".

(18) In section 68 (abolition of local authority's power to refer Part VII contracts to private rented housing committees), for "private rented housing committee" substitute "First-tier Tribunal".

(19) The title of section 68 becomes "**Abolition of local authority's power to refer Part VII contracts to the First-tier Tribunal**".

Tribunals and Inquiries Act 1992

3.—(1) The Tribunals and Inquiries Act 1992(**a**) is amended as follows.

(2) In section 11 (appeals from certain tribunals), in subsection (7)(b)(i), ", 59" is omitted.

(3) In section 13 (power to apply Act to additional tribunals and to repeal or amend certain provisions), in subsection (5), "59" is omitted in both places that it occurs.

(4) In Part II of Schedule 1 (tribunals under supervision of Scottish committee), the entry relating to rents (that is to say, paragraph 59) is omitted.

(**a**) 1992 c.53.

Scottish Public Services Ombudsman Act 2002

4.—(1) The Scottish Public Services Ombudsman Act 2002(**a**) is amended as follows.

(2) In schedule 3 (specified tribunals for the purposes of sections 6 and 7), paragraph 5 is omitted.

Antisocial Behaviour etc. (Scotland) Act 2004

5.—(1) The Antisocial Behaviour etc. (Scotland) Act 2004(**b**) is amended as follows.

(2) In section 87A (duty of local authority to note decisions of private rented housing committee)—

(a) in subsection (1)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal for Scotland Housing and Property Chamber"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal for Scotland Housing and Property Chamber"; and

(b) in subsection (2), for "committee" substitute "First-tier Tribunal for Scotland Housing and Property Chamber".

(3) The title of section 87A becomes "**Duty of local authority to note decisions of the First-tier Tribunal for Scotland Housing and Property Chamber**".

Housing (Scotland) Act 2006

6.—(1) The Housing (Scotland) Act 2006(**c**) is amended as follows.

(2) Section 21 (naming of panel and re-naming of committees) is omitted.

(3) In section 23(1)(a) (referral to private rented housing committee), for "a private rented housing committee" substitute "the First-tier Tribunal".

(4) In section 24 (determination by private rented housing committee)—

(a) in subsection (1), for the words from "private rented housing committee" to "must" substitute "First-tier Tribunal, must in relation to an application under section 22(1) or (1A)";

(b) in subsection (2)—

(i) for "committee decide" substitute "First-tier Tribunal decides"; and

(ii) for "they" substitute "it";

(c) in subsection (4) for "committee reasonably consider" substitute "First-tier Tribunal reasonably considers";

(d) in subsection (5), for "committee require" substitute "First-tier Tribunal requires";

(e) in subsection (6)—

(i) for "committee are" substitute "First-tier Tribunal is";

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(iii) for "they consider" substitute "it considers"; and

(f) in subsection (7)(a), for "committee" substitute "First-tier Tribunal".

(5) The title of section 24 becomes "**Determination by the First-tier Tribunal**".

(**a**) 2002 asp 11.
(**b**) 2004 asp 8.
(**c**) 2006 asp 1.

(6) In section 25 (variation and revocation of repairing standard enforcement orders)—

(a) in subsection (1)—

(i) for "The private rented housing committee which made a repairing standard enforcement order" substitute "Where the First-tier Tribunal has made a repairing standard enforcement order, it"; and

(ii) for "they consider" in both places where it occurs substitute "it considers";

(b) in subsection (2)—

(i) in the opening words, for "committee" substitute "First-tier Tribunal"; and

(ii) in paragraph (b), for "they think" substitute "it thinks"; and

(c) in subsection (3)—

(i) in paragraph (a), for "committee consider" substitute "First-tier Tribunal considers"; and

(ii) in paragraph (b)—

(aa) for "committee" in both places that it occurs substitute "First-tier Tribunal";

(bb) in sub-paragraph (i), for "consider", substitute "considers"; and

(cc) in sub-paragraph (ii), for "have" substitute "has".

(7) In section 26 (effect of failure to comply with repairing standard enforcement order)—

(a) in subsection (1)—

(i) for "private rented housing committee" substitute "First-tier Tribunal"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal";

(b) in subsection (2)—

(i) for "committee decide" substitute "First-tier Tribunal decides"; and

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal";

(c) in subsection (3)—

(i) in the opening words, for "committee" substitute "First-tier Tribunal"; and

(ii) in paragraph (b), for "committee are" substitute "First-tier Tribunal is";

(d) in subsection (4)—

(i) for "committee are" substitute "First-tier Tribunal is";

(ii) for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(iii) for "they consider" substitute "it considers".

(8) In section 27 (rent relief orders)—

(a) in subsection (1), for "a private rented housing committee" substitute "the First-tier Tribunal";

(b) in subsection (2)—

(i) for "A private rented housing committee" substitute "The First-tier Tribunal"; and

(ii) for "they have" substitute "it has"; and

(c) in subsection (4), for "committee" in both places that it occurs substitute "First-tier Tribunal".

(9) In section 28 (the repairing standard: offences)—

(a) in subsection (4), for "private rented housing committee which made the repairing standard enforcement order in question" substitute "First-tier Tribunal"; and

(b) in subsection (6), for "private rented housing committee which made the order" substitute "First-tier Tribunal".

(10) In section 36(1) (carrying out of work by local authority: repairing standard), for "a private rented housing committee" substitute "the First-tier Tribunal".

(11) In section 60 (certification)—

(a) in subsection (2)(b), for "private rented housing committee which made the order." substitute "First-tier Tribunal.";

(b) in subsection (4), for "committee" substitute "First-tier Tribunal"; and

(c) in subsection (5)—

(i) in the opening words, for "A private rented housing committee may, of their" substitute "The First-tier Tribunal may, of its";

(ii) in paragraph (a), for "they have" substitute "it has";

(iii) in paragraph (b), for "they are" substitute "it is"; and

(iv) in the closing words, for "committee may not exercise their" substitute "First-tier Tribunal may not exercise its".

(12) In section 61 (registration)—

(a) in sub-section (1)(c), for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(b) in subsection (2), for "private rented housing committee which made the repairing standard enforcement order concerned" substitute "First-tier Tribunal".

(13) In section 63 (date of operation of notices, orders etc.), in subsection (8)(a)—

(a) after "determination" insert "or Upper Tribunal's decision"; and

(b) after "sheriff" insert "or Upper Tribunal".

(14) In section 64 (Part 1 appeals)—

(a) in subsection (4)—

(i) in the opening words, for "by a private rented housing committee" substitute "of the First-tier Tribunal";

(ii) in paragraph (a), for "(decision on an application)" substitute "(determination by the First-tier Tribunal)"; and

(iii) in the closing words, for "may appeal to the sheriff within 21" substitute "may seek permission to appeal on a point of law only from the First-tier Tribunal within 30".

(b) in subsection (4A)—

(i) in the opening words, for "by a private rented housing committee" substitute "of the First-tier Tribunal"; and

(ii) in the closing words, for "may appeal to the sheriff within 21" substitute "may seek permission to appeal on a point of law only from the First-tier Tribunal within 30";

(c) in subsection (5)—

(i) for "appeal to the sheriff" substitute "seek permission to appeal on a point of law only from the First-tier Tribunal";

(ii) for "21" substitute "30"; and

(d) for subsection (7) substitute—

"(7) On cause shown—

(a) in the case of an appeal under subsections (1) and (6), the sheriff may hear an appeal after the deadline set by the relevant subsection, and

(b) in the case of an appeal under subsections (4), (4A) or (5), the Upper Tribunal may hear an appeal after the deadline set by the relevant subsection.".

(15) In section 65 (Part 1 appeals: determination)—

(a) in subsection (2)—

(i) in the opening words, for "sheriff" substitute "Upper Tribunal"; and

(ii) paragraph (b)—

(aa) for "sheriff's" substitute Upper Tribunal's"; and

(bb) for "committee" substitute "First-tier Tribunal"; and

(b) in subsection (5), after "sheriff's determination" insert "or Upper Tribunal's decision".

(16) In section 66 (Part 1 appeals: procedure etc.)—

(a) in subsection (1), for "section 64" substitute "section 64(1) or (6)"; and

(b) in subsection (4), for "section 64" substitute "section 64(1) or (6)".

(17) Section 67 (adaptations: power to change method of appeal) is omitted.

(18) In section 181 (rights of entry: general)—

(a) in subsection (2)—

(i) for "a private rented housing committee" substitute "the First-tier Tribunal"; and

(ii) for "committee" in each place where it subsequently occurs substitute "First-tier Tribunal";

(b) in subsection (6), for "committee" substitute "First-tier Tribunal".

(19) In section 194 (interpretation)—

(a) in subsection (1)—

(i) after the definition of "disabled person" insert—

""First-tier Tribunal" means the First-tier Tribunal for Scotland Housing and Property Chamber,"; and

(ii) the definition of "private rented housing committee" is omitted; and

(b) subsection (5) is omitted.

(20) Schedule 2 (private rented housing committees: procedure etc.) is amended as follows—

(a) in the schedule heading, for "PRIVATE RENTED HOUSING COMMITTEES" substitute "THE FIRST-TIER TRIBUNAL";

(b) in paragraph 1—

(i) in sub-paragraph (1)—

(aa) in the opening words, for the words from "The private" to "23(1)" substitute "On receipt of a referral of a tenant's application under section 23(1) the First-tier Tribunal"; and

(bb) in paragraph (a), for "committee think" substitute "First-tier Tribunal thinks";

(ii) in sub-paragraph (2)(b) for "committee think" substitute "First-tier Tribunal thinks";

(iii) in sub-paragraph (3), for "committee" substitute "First-tier Tribunal"; and

(iv) in sub paragraph (4), for "committee" in both places that it occurs substitute "First-tier Tribunal";

(c) in paragraph 2—

(i) in sub-paragraph (1)—

(aa) for "committee" substitute "First-tier Tribunal"; and

(bb) for "they think" substitute "it thinks";

(ii) in sub-paragraph (3), for "committee" in both places that it occurs substitute "First-tier Tribunal";

(d) in paragraph 3—

(i) in sub-paragraph (1)—

(aa) for "committee" in each place that it occurs substitute "First-tier Tribunal"; and

(bb) for "they" substitute "it"; and

(ii) sub-paragraphs (2),(3) and (4) are omitted;

(e) in paragraph 4, for "committee" substitute "First-tier Tribunal";

(f) in paragraph 5—

(i) in sub-paragraph (1)—

(aa) in paragraph (a), for "any private rented housing committee" substitute "the First-tier Tribunal";

(bb) in paragraph (b), for "a committee" substitute "the First-tier Tribunal" and for "committee" where it subsequently occurs substitute "First-tier Tribunal"; and

(cc) in paragraph (c), for "a committee" substitute "the First-tier Tribunal"; and

(ii) in sub-paragraph (2), in the closing words, for "any private rented housing committee" substitute "the First-tier Tribunal";

(g) in paragraph 6—

(i) in sub-paragraph (1), for "a private rented housing committee" substitute "the First-tier Tribunal";

(ii) in sub-paragraph (2)(b)(i), for "committee and the reasons for their" substitute "the First-tier Tribunal and the reasons for its";

(iii) in sub-paragraph (3), for "committee" in both places that it occurs substitute "First-tier Tribunal";

(iv) in sub-paragraph (4)(c), for "committee" substitute "First-tier Tribunal";

(h) in paragraph 7—

(i) in sub-paragraph (2) for "a private rented housing committee" in both places that it occurs substitute "the First-tier Tribunal";

(ii) in sub-paragraph (3)—

(aa) for "a private rented housing committee, the committee" substitute "the First-tier Tribunal, the First-tier Tribunal";

(bb) in paragraph (a), for "their" substitute "its"; and

(cc) in paragraph (b)(ii), for "they do" substitute "it does"; and

(i) in paragraph 8(2), for "a private rented housing committee" substitute "the First-tier Tribunal".

Public Services Reform (Scotland) Act 2010

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

(2) In schedule 5 (improvement of public functions: listed bodies) the entry for "any Private Rented Housing Committee" is omitted.

(3) In schedule 8 (information on exercise of public functions: listed public bodies) the entry for "any Private Rented Housing Committee" is omitted.

PART 2

Consequential amendments and revocations of subordinate legislation

Assured Tenancies (Rent Information) (Scotland) Order 1989

8.—(1) The Assured Tenancies (Rent Information) (Scotland) Order 1989(**b**) is amended as follows.

(**a**) 2010 asp 8.
(**b**) S.I. 1989/685.

(2) In paragraph 10 of the schedule, for "private rented housing committee" substitute "First-tier Tribunal for Scotland Housing and Property Chamber".

Rent Regulation (Forms and Information etc.) (Scotland) Regulations 1991

9.—(1) The Rent Regulation (Forms and Information etc.) (Scotland) Regulations 1991(**a**) are amended as follows.

(2) In paragraph 2 of schedule 2, for "office of the Private Rented Housing Committee" substitute "First-tier Tribunal for Scotland Housing and Property Chamber".

(3) In schedule 5 (list of forms)—

(a) in Form 1 corresponding to the entry for Form 1 in the list (notice of increase of rent under a regulated tenancy etc.) for "Rent Assessment Committee" substitute "First-tier Tribunal for Scotland Housing and Property Chamber"; and

(b) the entry for Form 6 (notice requiring further information to be given to a private rented housing committee) and the corresponding Form 6 are omitted.

Public Contracts (Scotland) Regulations 2015

10.—(1) The Public Contracts (Scotland) Regulations 2015(**b**) are amended as follows.

(2) In schedule 1 under the heading of "The Scottish Ministers" omit "Private Rented Housing Committees".

(**a**) S.I. 1991/1521.
(**b**) S.S.I. 2015/446.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the transfer to the First-tier Tribunal for Scotland of the functions of the private rented housing committees. The First-tier Tribunal was set up by section 1 of the Tribunals (Scotland) Act 2014. It is divided into chambers, with the chambers hearing cases according to the subject-matter of the case. The First-tier Tribunal Housing and Property Chamber hears cases previously dealt with by the Private Rented Housing Committees.

These Regulations also make consequential amendments to legislation, largely substituting references to the Private Rented Housing Committees with references to the First-tier Tribunal, Transitional provisions are made to manage the transfer of on-going casework. When this instrument comes into force on 1st December 2016, all applications to the Private Rented Housing Committees not yet determined transfer to the First-tier Tribunal, including applications not yet accepted as validly made.

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