SCOTTISH STATUTORY INSTRUMENTS

2026 No. 288

TRIBUNALS AND INQUIRIES

The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2026

Made - - - -	*22nd October 2026*
Laid before the Scottish Parliament	*26th October 2026*
Coming into force - -	*1st April 2027*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 4(2) and 5 of schedule 9 of the Tribunals (Scotland) Act 2014(**a**) and all other powers enabling them to do so.

In accordance with paragraph 4(3) of schedule 9 of that Act, the Scottish Ministers have consulted the President of Tribunals and such other persons as they consider appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2026 and come into force on 1 April 2027.

(2) In these Regulations, "the principal Regulations" means the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017(**b**).

(3) In these Regulations, any reference to a numbered rule is to the rule bearing that number in the schedule of the principal Regulations.

Amendment of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (application of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017)—

(a) delete "or" where it appears at the end of paragraph (k),

(b) after paragraph (l) insert—

"; or

(m) the Housing (Scotland) Act 2025.".

(**a**) 2014 asp 10.
(**b**) S.S.I. 2017/328, amended by S.S.I. 2017/369, S.S.I. 2018/378 and S.S.I. 2023/6.

(3) In the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 as set out in the schedule—

(a) in rule 1(2) (application and interpretation), after the definition of "the 2024 Act" insert—

""the 2025 Act" means the Housing (Scotland) Act 2025(**a**);",

(b) after rule 120 insert—

"PART 5

Procedure in respect of provision of false information or failure to provide information by an information holder

Application and interpretation of Part 5

121.—(1) This Part applies to an application by a local authority or the Scottish Ministers under section 16(3) or 17(3) of the 2025 Act.

(2) In this Part, where terms are used which are defined terms in the 2025 Act, the definitions in that Act in respect of those terms apply to this Part.

Modification of Part 1

122.—(1) Part 1 of these Rules applies to an application by a local authority or the Scottish Ministers under section 16(3) or 17(3) of the 2025 Act subject to the modifications in this rule.

(2) Rule 5(1) (requirements for making an application) has effect as if from "rules" to the end there were substituted "rule 123".

(3) Rule 26(6) (decisions of the First-tier Tribunal) has effect as if after "Part 3" there were inserted ", and Part 5".

(4) Rule 30(1) (recall) has effect as if after "Part 3" there were inserted ", and Part 5".

Form of an application under section 16(3) or 17(3) of the 2025 Act

123.—(1) Where a requester makes an application under section 16(3) or 17(3) of the 2025 Act, the application must—

(a) state—

(i) the name and address of the requester;

(ii) the name, address and profession of any representative of the requester;

(iii) the name and address and landlord registration number (if any) of the information holder;

(iv) the address of the house to which the request for information relates;

(v) that a request for information was issued under section 14(1) or (2) of the 2025 Act and the date on which the request was received by the information-holder;

(vi) where the application is being made under section 16(3), the reasons why the requester considers the information holder has failed to provide some or all of the information requested and does not have a reasonable excuse for failing to do so;

(**a**) 2025 asp 13.

(vii) where the application is being made under section 17(3), the reasons why the requester considers the information holder has provided information that they must have known to be false in a material way,

(b) be accompanied by—

(i) a copy of the request for information issued under section 14(1) or (2) of the 2025 Act and any subsequent correspondence between the requester and information-holder relating to that request;

(ii) a copy of the notice given to the information holder by the requester as required under section 16(2) or, as the case may be, section 17(2) of the 2025 Act;

(iii) where the application is being made under section 17(3) of the 2025 Act, evidence that the information holder has provided information that they must have known to be false in a material way, and

(c) be signed and dated by the requester or a representative of the requester.

(2) Where the requester believes that the information holder has both failed to provide some or all of the information requested without reasonable excuse and also provided information that they must have known to be false in a material way, the requester may raise both issues relating to the request for information in one application.

Parties to be notified by the First-tier Tribunal

124. The parties to be notified by the First-tier Tribunal under rule 9(1) are, in relation to an application made under section 16(3) or 17(3) of the 2025 Act, the person making the application and the person who has been served with a notice under section 16(2) or, as the case may be, section 17(2) of the 2025 Act.

125. Where rule 8 does not apply to an application under this Part, the First-Tier Tribunal must—

(a) where the application is made by a local authority, notify the Scottish Ministers of the application; or

(b) where the application is made by the Scottish Ministers, notify the relevant local authority of the application.".

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew's House,
Edinburgh
22nd October 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (S.S.I. 2017/328) ("the principal Regulations") to reflect the conferral of new functions on the First-tier Tribunal by sections 16 and 17 of the Housing (Scotland) Act 2025 (asp 13) ("the 2025 Act"). Section 14 of the 2025 Act gives local authorities and the Scottish Ministers powers to seek information from a landlord relating to the tenancy of a house included in the landlord's entry in the landlord register. These Regulations make provision for an application to be made to the First-tier Tribunal by a local authority or the Scottish Ministers where an information holder fails to provide information without reasonable excuse, or provides information that the information holder must have known to be false in a material way.

Regulation 2(2) amends regulation 2 of the principal Regulations to add a reference to the 2025 Act in the list of enactments which confer functions on the First-tier Tribunal.

Regulation 2(3)(a) adds the 2025 Act to the definitions in rule 1(2) in the schedule of the principal Regulations.

Regulation 2(3)(b) inserts a new Part 5 into the schedule of the principal Regulations to provide procedural rules in relation to applications for failure to provide information or provision of false information under sections 16(3) and 17(3) of the 2025 Act respectively. This new Part 5 includes rules 121 to 125 described as follows. New rule 121 provides that Part 5 applies to applications under section 16(3) or 17(3) of the 2025 Act. New rule 122 applies Part 1 of the schedule to applications under sections 16(3) and 17(3) subject to certain modifications, ensuring that an application must be lodged in the manner set out in rule 123 and that the first-Tier Tribunal may provide a statement of reasons when it makes a decision following an application under section 16(3) or 17(3) of the 2025 Act.

New rule 123 provides for the form of an application under sections 16(3) and 17(3) of the 2025 Act, including the documents which must accompany such applications. New rule 123(2) provides that a person making an application may raise multiple issues relating to a request for information in one application. New rule 125 provides for the notification of the application to the Scottish Ministers where the application is made by a local authority and the notification of the relevant local authority where the application is made by the Scottish Ministers.

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