

Local Government, Housing and Planning Committee
Tuesday, 12 November 2024
30th Meeting, 2024 (Session 6)

Note by the Clerk on The Property Factors (Registration) (Scotland) Regulations 2024 (2024/274)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 28 November 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. Information about the instrument is summarised below:

Title of instrument: [The Property Factors \(Registration\) \(Scotland\) Regulations 2024](#)

Laid under: [Property Factors \(Scotland\) Act 2011](#)

Laid on: 4 October 2024

Procedure: Negative

Deadline for committee consideration: 25 November 2024

Deadline for Chamber consideration: 28 November 2024

Commencement: 29 November 2024

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee [considered the instrument on 5 November 2024](#) and agreed to draw it to the attention of the Parliament on the general reporting ground in respect of an error in that regulation 5, paragraph (3) of the instrument, makes reference to a paragraph (5) which does not exist.
8. However, the DPLR Committee noted that the Scottish Government intends to correct the error by way of a correction slip.

Purpose of the instrument

9. The purpose of the instrument is to extend the application requirements in order for Scottish Ministers to strengthen the fit and proper person assessment before entering a property factor onto the register. Registration fees are also prescribed in these regulations and the second purpose of this instrument is to set a new mechanism whereby register application fees are uplifted annually by the Consumer Price Index.
10. The [Policy Note](#) accompanying the instrument includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

11. So far, no motion recommending annulment has been lodged.
12. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
13. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.
14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
November 2024**