Dear Daniel

Post-legislative scrutiny of the Property Factors (Scotland) Act 2001

Earlier in the year the Public Audit and Post-legislative Scrutiny Committee sought views from the public on which Acts would benefit from post-legislative scrutiny.

From the 24 Acts suggested the Committee agreed a shortlist of those it wished to take forward in the first instance. For the others the Committee agreed to write to the Scottish Government seeking information on the issues and concerns that were raised in the submissions.

In respect of the above Act I am writing to you seeking a written response to these issues. I would be grateful if you could provide a reply by Friday 23 February 2018.

A copy of the information provided in the submission can be found in the Annexe.

A link to our post-legislative scrutiny page can be found here:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/105094.aspx

Yours sincerely,

Alison Wilson
Assistant Clerk
The act is used to ensure that owners of property pay for repairs to common areas. Within the act it states that if a property owners deeds contain a clause that the Council is their factor. But if a Council is operating as a factor then they should be paying factoring fees on their properties.

To look at it another way if there was a block of ten flats and the property factor owned 5 flats would it be acceptable under the law that this factor would not pay factoring fees on their flats but all other owners would be required to pay?

But this is exactly what councils are doing, they are imposing factoring fees on private owners and claim that they are not required under the law to pay factoring fees on their properties.

I have contacted my MP, MSP regarding this matter. The law needs to be amended to make it clear that the owners of all properties that have been registered for factoring pay factoring fees.