

Citizen Participation and Public Petitions Committee
Wednesday 29 October 2025
16th Meeting, 2025 (Session 6)

PE2006: Review and simplify the legislation in relation to dismissal of property factors

Introduction

Petitioner Ewan Miller

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to amend the Property Factors (Scotland) Act to cover dismissal of property factors or bring forward other regulations that would achieve the same aim. This could include giving the First Tier Tribunal powers to resolve disputes related to the dismissal of property factors.

Webpage <https://petitions.parliament.scot/petitions/PE2006>

1. [The Committee last considered this petition at its meeting on 5 March 2025.](#) At that meeting, the Committee agreed to write to the Minister for Victims and Community Safety and the Law Society of Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Minister for Victims and Community Safety and the Law Society of Scotland, which are set out in **Annexe C**.
4. In September, the Scottish Parliament considered amendments relevant to the petition as part of the Stage 3 proceedings for the Housing (Scotland) Bill. The Official Report of the relevant part of the Stage 3 proceedings is included at **Annexe D**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 23 March 2023.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 818 signatures have been received on this petition.

Action

9. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
October 2025

Annexe A: Summary of petition

PE2006: Review and simplify the legislation in relation to dismissal of property factors

Petitioner

Ewan Miller

Date Lodged

28 March 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend the Property Factors (Scotland) Act to cover dismissal of property factors or bring forward other regulations that would achieve the same aim. This could include giving the First Tier Tribunal powers to resolve disputes related to the dismissal of property factors.

Previous action

I have contacted Rona MacKay MSP and brought the matter to the attention of the Minister for Public Finance, Planning and Community Wealth.

Background information

I am the Chair of my local Residents Association (RA) of an estate of 860 privately owned properties. After many years of dissatisfaction, the RA ran a vote to dismiss our factor. In our opinion, the motion was passed in alignment with the deeds for the estate.

Subsequent to this, the factor appointed a legal firm who challenged the vote on the basis that 38 (of 860) properties were tenanted in the estate and the RA could not provide evidence the tenant had passed the voting paper to the owner. The First-tier Tribunal confirmed they could not decide on this matter as it involved interpretation of deeds and proposed seeking a decision in a civil court. If the factor is correct, this would appear to set a precedent, making it very difficult to replace a factor in Scotland.

Annexe B: Extract from Official Report of last consideration of PE2006 on 5 March 2025

The Convener: Our next petition is PE2006, which was lodged by Ewan Miller and calls on the Scottish Parliament to urge the Scottish Government to amend the Property Factors (Scotland) Act 2010 to cover dismissal of property factors or to bring forward other regulations that would achieve the same aim. That could include giving the First-tier Tribunal for Scotland powers to resolve disputes related to the dismissal of property factors.

Colleagues will recall that we last considered the petition at our meeting on 19 February when we heard evidence from the Minister for Victims and Community Safety and a number of Scottish Government officials. During that session, we heard that the Government plans to publish guidance that is aimed at helping homeowners to navigate the various options for how voting procedures should be carried out when dealing with factors.

The minister also expressed a willingness to consider new suggestions on how the process to dismiss a factor could be simplified, including a suggestion from our colleague Fergus Ewing on whether the small claims court could be empowered to determine and dismiss property factors in cases where the factor is considered to have overcharged residents.

We also heard that the Government is considering the recommendations of the Competition and Market Authority's report into house building, with the minister indicating that her colleague the Minister for Housing may be exploring some of those issues in a proposed round-table meeting with property factors.

Having had the opportunity to reflect on the evidence that we heard at our last meeting, do members have any comments or suggestions for action? We will probably want to formalise your suggestion, Mr Ewing.

09:45

Fergus Ewing: I was going to suggest that we write to the Minister for Victims and Community Safety to ask what further consideration the Scottish Government has given to the suggestion that the small claims court be given powers to dismiss property factors in situations where excessive charges have been introduced. That matter arose in evidence that Sarah Boyack presented to the committee some time ago, which indicated a particularly egregious example of apparent overcharging.

We should also seek further detail on the Scottish Government's response to the Competition and Markets Authority's report into house building, including the anticipated timescale for the publication of that response, and ask how many property factors have been dismissed in the past 10 years, although I am not sure that the Scottish Government will have that information.

The Convener: I have a slight recollection of its saying that it did not have that information, but I think that it might be useful to ask how that information might be established if it is not currently compiled.

Fergus Ewing: Yes, quite so. I want to place on the record that, in her evidence, the minister was very open to suggestions and that the demeanour and tone of her evidence was encouraging in that regard. I also want to express some concerns that guidance alone is unlikely to appease those who have a real grievance.

Finally, it is only fair to put on the record that, from my quite long experience as a solicitor, I think that most property factors are fairly diligent. In the course of working in tenements, they very often deal with difficult situations in which owners are at loggerheads. In my experience, the fees that are charged are not particularly huge. I want to make it clear that the committee is not in any way suggesting that all property factors should be criticised; quite the contrary—they have a difficult and sometimes thankless job to do, albeit that it is a necessary one, because otherwise repairs to common property would not happen.

Where there is overcharging, I do not think that the law has any real remedy other than going to court, which is so expensive that nobody will ever take it up unless they are a multimillionaire—in which case they probably do not live in a flat on Govanhill Street, so there we are.

The Convener: Thank you, Mr Ewing. It is absolutely correct that we should make clear that, in supporting the aims of the petition, the committee is not identifying all property factors as villains—far from it. Many people in my constituency have expressed that they are perfectly satisfied with the service that they receive and believe that the property factors act very much in the interests of residents. However, when there is an issue, there is a lack of remedy.

We might also write to the Law Society of Scotland to seek its views on the suggestion that the small claims court be given powers to dismiss property factors in those situations that Mr Ewing has described, where excessive charges have been introduced. Is the committee content with those suggestions?

Members *indicated agreement.*

Annexe C: Written submissions

Minister for Victims and Community Safety written submission, 31 March 2025

PE2006/I: Review and simplify the legislation in relation to dismissal of property factors

Thank you for your letter dated 10 March 2025 which highlights some of the points raised during my evidence session for the public petition PE2006: Review and simplify the legislation in relation to dismissal of property factors which you seek a response on.

To ask what further consideration the Scottish Government has given to the suggestion from Fergus Ewing that the small claims court be given powers to dismiss property factors in situations where excessive charges have been introduced.

In considering this suggestion I consulted with the Scottish Courts and Tribunals Service (SCTS) to seek their initial views. They advised that:

“From 28 November 2016, small claims procedure was repealed and replaced by [the simple procedure which allows a party to raise a claim which seeks payment for £5000 or less, delivery or recovery of possession of moveable property or an order for someone to do something specific where there is an alternative claim for £5000 or less](#). In addition, and as a consequence of the coming into force of the simple procedure, actions that could be raised under the summary cause procedure are limited to actions for delivery only; actions for delivery where there is an additional claim for £5000 or less; actions for recovery of possession of heritable property; and damages resulting from personal injuries.

It would appear an order for the removal of a property factor would appear to be currently outwith the scope of both the simple and summary cause procedure as defined by the Courts Reform (Scotland) Act 2014 and Sheriff Courts (Scotland) Act 1971 respectively.

Due to the level of complexity in the legislation, it would appear that the proposal may add a layer of complexity that may not be suitable certainly for simple procedure.”

SCTS suggested an alternative would be to consider whether [the summary application procedure available in the sheriff courts](#) would be a possible route to removing property factors – however, concluded that this is not readily accessible to unrepresented parties and may involve awards of expenses on a par with ordinary cause procedure in particular where an application was opposed as this is what we are trying to avoid here.

We would conclude that this is not a viable option to take forward.

Seeking further detail on the Scottish Government's response to the Competition and Markets Authority (CMA) report into housebuilding, including the anticipated timescale for the response to be published

As you are aware, Scottish Ministers welcomed the report and recommendations from the CMA and are grateful for their engagement with officials and the Scottish market in their investigation. We have been considering the CMA report and its recommendations carefully and will respond in due course. In the context of the housing emergency, we are focussing on those actions which will have the greatest impact.

To ask how many property factors have been dismissed in the past 10 years, and, if this information is not already compiled, how it might be established.

Decisions on the dismissal of a property factor are for individual groups of homeowners to make and the Scottish Government does not hold information on these decisions.

The provision of statistics on the number of property factors who have been dismissed is not included in the current legislative duty placed on property factors to provide information to the Scottish Government. Establishing a system to provide this additional information would require legislative change and would incur cost.

Finally, I would draw to your attention that guidance on the dismissal and appointment of a property factor is available at [Appointing or dismissing a property factor - mygov.scot](#). Relevant stakeholders are being notified.

I hope this is helpful to the Committee.

Yours sincerely,

SIQBHIAN BROWN

Law Society of Scotland written submission, 8 April 2025

PE2006/J: Review and simplify the legislation in relation to dismissal of property factors

Thank you for your letter of 7 March 2025 seeking the Law Society of Scotland's views on the suggestion that the small claims court be given powers to dismiss property factors in situations where excessive charges have been introduced.

We are aware of frustration from residents of factored properties regarding the perceived lack of accountability for actions taken by factors, including in situations where "excessive charges" have been deemed to have been introduced.

We note the Minister for Victims and Community Safety's written submission of 31 March 2025, and the views of the Scottish Courts and Tribunals Service (SCTS) set out in that letter.

We would also observe that, if reforms are to be taken forward in this area, consideration would need to be given to what an “excessive charge” means in practise.

We consider that proper mediation between residents and factors is essential and may avoid recourse to litigation.

We would also observe that modern Deeds of Conditions tend to have robust mediation clauses contained within them. We would suggest that, in line with current Scottish Government policy on such matters, alternative dispute resolution as a first step is something that should be promoted and encouraged.

We hope that this information is helpful and if we can assist further in consideration of this petition, we will be very happy to do so.

Annexe D: Extract from Official Report of Stage 3 Proceedings on Housing (Scotland) Bill on 30 September 2025

The Presiding Officer: Group 23 is on property factors. Amendment 339, in the name of Mark Griffin, is grouped with amendments 19, 340 to 347, 20, 243, 48 and 49.

Mark Griffin: It is no secret that property factoring in Scotland has been a source of real frustration for home owners for a number of years, particularly for home owners who live in new-build housing estates with ground maintenance contracts. Members need look no further than—*[Interruption.]*

The Presiding Officer: Will members who are leaving the chamber please do so quietly?

Mark Griffin: The members who are still in the chamber probably do not need to look much further than their own inboxes for complaints from their constituents about factoring arrangements. Constituents contact me regularly about unfair charges, poor communication and a lack of accountability from their factors.

The issue is not new. The Property Factors (Scotland) Act 2011 was a step forward, but it is clear that it has not addressed the concerns of our constituents about the accountability of their factors. Despite earlier promises from the Government to introduce a code of conduct for land maintenance companies, progress has stalled. The reality is that, for more than a decade, home owners have been left to deal with expensive and often opaque factoring arrangements, while meaningful reform has been delayed repeatedly.

That is why I, along with colleagues from across the chamber, have laid a package of amendments to the bill with the simple aim of giving home owners a fairer deal and a stronger voice in how their homes and shared spaces are managed. I acknowledge the efforts of members from all parties who have championed the rights of home owners to remove unsatisfactory factors more easily, and I also welcome the Government's willingness to improve the system.

Labour's amendments in this group would allow groups of home owners to work together more easily to take action against factors who are not living up to their roles and responsibilities by putting the onus on the factors to set up and arrange meetings and by ensuring that home owners can more easily take action against them by facilitating the annual meeting of home owners.

17:00

I have also stipulated that factors must produce information that allows home owners to defend their rights more easily before the First-tier Tribunal for Scotland. I note that several of my colleagues, and the Government, have amendments that touch on that. I acknowledge the work of colleagues across the parties—Ariane Burgess, Maggie Chapman, Graham Simpson, Sarah Boyack and Pam Duncan-Glancy, as

well as the Government—and I urge members to support the amendments in this group in their entirety.

The proposals in my amendments focus on transparency, accountability and home owner empowerment. Factors would be required to share their written statement of services and to publish clear and accessible information about service costs, both current and historic. If a factor plans to transfer their contract to another company, home owners must be notified in advance. Those seem to me to be basic standards that any fair contract should meet. We should never have a situation where the first time that a home owner realises that their factor has changed is when they receive a bill from the new factor without any notice whatsoever.

I also seek to add a purpose section to the 2011 act, making it clear that its role is to set out the rights and responsibilities of both factors and residents. That will help to guide interpretation and enforcement of the law.

I am calling for the maximum compensation that the tribunal can award to be raised to £10,000, providing a meaningful response to factors who flout the law that applies to them and reflecting the time and effort that home owners invest in pursuing such complaints. That provision would allow for further future increases by regulation. Additionally, any major expenditure over £10,000 that is not already covered by the deed of condition should require approval from the residents forum. That ensures that home owners have oversight of significant spending decisions.

Finally, I support further amendments in the group that strengthen transparency and enforcement throughout the legislation.

I will now briefly cover three amendments in the name of Sarah Boyack—as she is not available to be in the chamber today—starting with amendments 344 and 345. Amendment 344 creates a clear duty on factors to provide relevant information to home owners on request, or where a case is live before the First-tier Tribunal. It defines “relevant information”, it requires the tribunal to issue a disclosure direction unless a request is unreasonable or off point, and it ties non-compliance to ministerial enforcement. That relates to transparency that shortens disputes by getting documents, invoices, contracts and decisions up front, with reduced hearings, costs and frustration for everyone. I encourage members to support amendments 344 and 345.

Amendment 346, in Sarah Boyack’s name, is on owners associations. It recognises owners associations under the development management scheme, so that home owners can act collectively in dealing with factors and, where needed, at the First-tier Tribunal.

Graham Simpson: In relation to amendment 346, which deals with owners associations, we have already heard that the Scottish Law Commission is doing a piece of work specifically on compulsory owners associations for tenements. I know that the member is speaking for Sarah Boyack in this case, but would he accept my point, which is that we really ought to let the Law Commission complete its work? I know that it is slow and that it has been very frustrating, but I think that the commission needs to complete that detailed piece of work and report back to

Parliament. It will be for the Parliament in the next session, whatever its make-up, to deal with the important issues that the commission reflects on.

Mark Griffin: The issue is wider than that: it goes beyond tenement maintenance.

Grounds maintenance issues are affecting new-build estates right across the country. Mandatory owners associations would enable people to come together to challenge the occasional poor practice and lack of transparency and, more crucially, would provide a forum to allow home owners to change factor if they so desired.

Although the work that the Scottish Law Commission is doing is clearly valuable, given that it applies purely to tenements and does not give coverage of grounds maintenance contracts that affect new-build estates across the country, it is still worth our considering this valuable amendment and compulsory home owners forums, organisations or whatever we want to call them, to give people the ability to come together annually to consider the performance of their factor. I ask members to support all amendments in the group.

I move amendment 339.

Maggie Chapman: Many members in the chamber will have been asked to help constituents who are experiencing difficulties with property factors. Some property factors provide really good services to owners, but many—too many—do not. Since the Property Factors (Scotland) Act 2011 came into force, the number of complaints has grown, starting at 26 a year and reaching a record high of 338 in 2023. Some owners of factored properties complain that much-needed repairs are not done or are delayed, that they are carried out to a poor standard or that they are overcharged for.

Approximately 710,000 Scottish properties—about a quarter of all homes—are managed by almost 400 property factors and letting companies. Those figures will only grow as we build much-needed new blocks and estates.

When owners want to change factors, it can be very difficult, as Mark Griffin has already outlined, given the high thresholds that need to be reached. In larger developments, perhaps with many absentee owners, it can be especially difficult, which means that factors lack the incentive to improve, and owners are stuck with poor service. We do not tolerate that in other markets. It used to be much harder to switch energy providers, for instance, but energy customers can now switch much more easily if they are paying too much or not getting a good service. We should do the same with property factors.

At the moment, it is complicated to dismiss or appoint a factor, with different thresholds applying to different developments. My amendment 20 would address that by requiring only a simple majority vote. Previous legislation has already lowered the threshold for some properties, so my amendment is not at all unprecedented.

Amendment 19 would provide a simple process for requesting that a factor is removed from the register. Owners would send a request to the Scottish Government, saying that their factor is failing and falling short of its obligations.

Ministers would be under a duty to consider such requests and to either remove the factor from or retain them on the factor register, giving reasons why. Information on the number of factors removed or retained, and the reasons why, would be published, which would improve transparency and strengthen the hand of owners against poor factors.

Citizens Advice Scotland supports changes in the factoring system. It has said:

“The kind of reforms and legislation within the Act of 2011 don’t really hold factors to account as much as they probably should. There’s an urgent need for greater transparency and awareness to ensure home owners understand their rights and can effectively challenge unfair factoring practices.”

Some owners and tenants have waited far too long for improvements in the factoring industry. I welcome the other amendments in the group, and I thank Mark Griffin and members of his group for their engagement on the issue. The amendments, taken together with mine, would improve the service that residents need. I urge members to support my amendments in the group.

Pam Duncan-Glancy (Glasgow) (Lab): Amendment 341 provides that,

“Unless otherwise stated in the title deeds, a change of property factor may be approved by a majority ... of home owners present at a residents’ forum meeting.”

It would mean that any decision to change a property factor would be considered binding on all home owners.

Under section 28 of the Title Conditions (Scotland) Act 2003, a factor can be dismissed if more than half the owners agree. The difficulty with that is that some owners may be less engaged than others or unresponsive when residents reach out to discuss concerns regarding their existing property factor. Amendment 341 would address that and take a more collective approach, empowering residents to resolve concerns about factors.

Graham Simpson: Pam Duncan-Glancy has launched a really interesting amendment, but, unless the title deeds state otherwise, it could allow a situation in which very few people—for example, six out of 200—actually turn up to a residents meeting but, according to her amendment, a majority, which in this case would be four, could vote to change the factor. I am sure that Pam Duncan-Glancy does not want that sort of situation, so does she accept that that would be a bit ludicrous?

Pam Duncan-Glancy: I think some of the figures that Mr Simpson uses are probably quite extreme, but I understand the point he is trying to make.

The alternative is that home owners find themselves at a complete impasse because they cannot mobilise enough members to do anything at all about a factor that they consider not to be meeting the standards that they would expect. Amendment 341 would enable decisions to be taken far more conveniently and, in some cases, more quickly, empowering residents to move things on and to act in the interests of a building and of those who live there.

Residents and home owners associations are well-known mechanisms allowing residents to come together. Those associations often have the backing of many, if not most, residents in a building, but attendance and membership are not always as they should be. My amendment would address part of that problem and would allow things to progress where they might come unstuck.

We all know from our casework that there are serious issues with the dismissal of property factors and that that complexity has been recognised through previous action. The amendments in this group in the names of Mark Griffin and others are essential to addressing some of those concerns.

The amendments in Mark Griffin's name, on grounds maintenance, would address the concerns of constituents at Newton Farm in Cambuslang, who have said that they are having direct experience of a complex situation that was raised with the Parliament's Justice Committee as far back as 2013. The Government concluded that legislation was not needed to improve their circumstances and said that it would simply update the voluntary code of conduct. However, in the years since, that update has still not been carried out and it is now clear that there is a case for legislation to address the issue. The residents have no mechanism by which to hold their factor to account and question whether the factor is acting in accordance with the law or with the voluntary code of conduct.

The amendments in this group would all serve to resolve such situations. On that basis, I support all the amendments in the group and I intend to move amendment 341.

The Presiding Officer: I call the cabinet secretary to speak to amendment 243 and other amendments in the group.

Màiri McAllan: We recognise that home owners face difficulties in the property factoring system. At stage 2, the Cabinet Secretary for Social Justice committed to a review of that regime and I intend to honour that with greater urgency than has been brought to the situation that Pam Duncan-Glancy spoke of. That review will seek input from stakeholders across the system, including homeowners and factors, and will consider compliance with the code of conduct, how well its requirements are understood and the work that we must do to assess whether a person is fit and proper.

It should be possible to address most of the issues raised by the amendments in this group by preparing an updated code of conduct for property factors, which will set out minimum standards of practice for registered property factors. Any updated code would, of course, be laid before Parliament, so members can be assured that they would be able to explore what is proposed for the system.

Pam Duncan-Glancy: Can the cabinet secretary set out when that work on the code will be done?

Màiri McAllan: A number of pieces of work will flow from the bill. I will have to take forward regulations in respect of Awaab's law and in respect of the Domestic Abuse (Protection) (Scotland) Act 2021. I will not put a timescale on that action in particular, but I undertake to update Ms Duncan-Glancy and other members as soon as I have

a timetable for that, because I understand how important the issue is for members and for their constituents who have raised concerns.

I turn to Mr Griffin's amendments 343 and 347. I appreciate the intent behind the amendments, but I invite him not to press them, as the proposed changes would be better considered as part of the review. They could be implemented if, after consultation, they are considered helpful.

17:15

Amendment 339, which is also in Mr Griffin's name, seeks to insert a purpose clause into the Property Factors (Scotland) Act 2011. The amendment is absolutely well intentioned, but the clause is not essential—nor, arguably, would it be helpful. The purpose of the 2011 act is already clear from the provisions and the explanatory notes, and its legal framework is based on the relationship between property factors and home owners. Tenants do not have a contractual relationship with a property factor, so I fear that including them in a purpose clause could cause confusion.

I was pleased to lodge amendment 243. Similar provisions were previously proposed by Ariane Burgess and Maggie Chapman. The amendment will make it easier for owners of related properties to dismiss a property manager and appoint someone else, which a number of members have said is important. The changes that I propose will mean that a simple majority of the owners, as opposed to two thirds, will be able to remove the manager, regardless of whether the title deeds provide for a higher voting threshold. I am grateful to Ariane Burgess and Maggie Chapman for their suggestions. Maggie Chapman's amendment 20 and her consequential amendment 49 ultimately seek to address the same matter but without the correct framing, which I have sought to provide in my amendment.

Mark Griffin's amendment 340 would require a property factor to arrange and attend two resident forum meetings per year, with notice being given by recorded delivery, hybrid access and so on. I do not think that such detail is suited to the rigidity of primary legislation. It would be more appropriately addressed in the code of conduct for property factors, which I have committed to Parliament will be updated in a timely manner.

As I noted, my amendment 243 will allow a simple majority of home owners to remove a manager of related properties. Ms Duncan-Glancy's amendment 341 seeks to achieve a similar outcome. The changes would apply if a decision was taken at a residents forum meeting, but only in relation to home owners who had a deed of conditions or contract with the property factor. It would therefore have a more limited application than what I propose, and it is probably less clear how it would apply in practice. I ask Ms Duncan-Glancy to support what the Government is proposing in relation to positions on voting.

Mark Griffin's amendment 342 would require property factors to seek formal home owner approval for works costing £10,000 that were not specified in the title deeds, and it includes some other details. Again, those things would be more appropriately addressed through the code of conduct for property factors, which can be updated when need be. That is the benefit of having things in the code rather than in primary legislation.

Maggie Chapman's amendment 19 and her consequential amendment 48 seek to introduce a new process by which home owners may refer the property factor's fitness for registration to the Scottish ministers. However, it is not the ministers' role to determine who may operate as a property factor. Whether a manager is authorised to act is ultimately a matter for home owners. I note again that my amendment 243 seeks to further empower home owners.

Ms Boyack's amendments 344 and 345 would require property factors to provide home owners and the First-tier Tribunal with certain documents, including documents relating to the interests, rights and obligations of home owners, and would make failure to do so a criminal offence. However, the code of conduct for property factors already requires disclosure, and the tribunal already has powers to enforce compliance, so I cannot support those amendments.

Amendment 346 seeks to allow owners associations to bring complaints to the tribunal. Ms Boyack has put that proposal to the Government on a number of occasions and we have looked into it. Although I appreciate the intent, the tribunal already routinely groups related applications under existing regulations. That is standard practice. I have some notes on how often that has been done. In 2022, nearly two thirds of the 254 applications were grouped. Ultimately, I think that, if Ms Boyack was here, she would note that that is already routinely done.

For those reasons, I ask members to support my amendment 243 and to either not press or not support the other amendments in the group.

Graham Simpson: This group of amendments is important. It deals with issues that most members will have come across, I imagine: difficulties with changing property factors and removing substandard property factors, albeit that those are a very small minority of the sector.

I am pleased to have heard from the cabinet secretary that she wants to update the code of conduct. My question is, how enforceable is that? She can intervene to tell me. What powers would there be under that code of conduct to get important matters changed?

I see that she does not seek to intervene, so I will just have to guess on that front. However, it is encouraging that there will be an updated code of conduct—that she is going to conduct a review—so I can happily support amendment 243. That said, the issues that have been raised by other members are equally serious and should be considered seriously. Making it easier to change a property factor is very important, so the action that has been called for should be taken.

Unfortunately—and it is a rare event for me—I am not persuaded by Pam Duncan-Glancy's amendment 341. I apologise for that, but I can probably support most of the other amendments in the group.

The Presiding Officer: I call Mark Griffin to wind up and to press or withdraw amendment 339.

Mark Griffin: A well-known phrase is that nothing is certain in life apart from death and taxes. Somebody from a new-build housing estate told me that it should be

updated to say that nothing is certain in life apart from death, taxes and factor fees, given the frustration that a lot of people have with that quarterly bill over which they genuinely feel they have no control. It is the one area of their life in which they do not have a choice. They have no choice as to who supplies their factoring service, nor when it comes to a complaint about the quality of that service or the ability to remove that service provider. There is a real frustration among home owners about the system of factoring as it operates at the moment. I am encouraged to hear from the cabinet secretary that the Government will consult on and introduce a code of conduct. For home owners who are currently frustrated, it is critical that that work is done at pace. I look forward to seeing the detail of the code come before the Parliament.

I also welcome amendment 243, in the name of the cabinet secretary, which clarifies that a simple majority can be used to remove a factor that is not performing. I imagine that all of us have had concerns and complaints in our inboxes about the performance of factors. Many residents say that, often, when they complain to the factor itself, the factor knows that it is so difficult to remove it from its position that it can essentially dismiss any complaint out of hand. We need to move away from a system in which the minority of factors that do not do the job that they are supposed to do, and dismiss such complaints, can carry on doing so.

I take on board the points that the cabinet secretary has made about the technical aspects of my amendment 339. I look forward to the work that the Government plans to do on bringing forward the code of conduct. I seek permission to withdraw amendment 339.

Amendment 339, by agreement, withdrawn.

[...] Amendment 19 disagreed to.

[...] Amendment 340 not moved.

[...] Amendment 341 disagreed to.

[...] Amendment 342 disagreed to.

[...] Amendment 343 disagreed to.

[...] Amendments 344 and 345 not moved.

[...] Amendment 346 not moved.

[...] Amendment 347 disagreed to.

[...] Amendment 20 disagreed to.

[...] Amendment 243 agreed to.

[...] Amendment 348 disagreed to.

[...] Amendment 349 disagreed to.

CPPP/S6/25/16/6

[...] *Amendment 350 disagreed to.*