

Property Factors (Scotland) Act 2011: Fit and Proper Person Declaration Factsheet

An applicant must be a fit and proper person to be a property factor and to be entered in the register.

All applicants must complete a Fit and Proper Person Declaration. Each application should provide details of the responsible/relevant person acting for the factor who wishes to become registered.

Scottish Ministers consider certain information in relation to determining whether the property factor should be put on the register. This includes:

- considering information held on the Companies in the UK website and how this relates to the information provided in the application
- whether the responsible and relevant person has or had previous links to another property factor and any information held which provides details in relation to previous compliance with the Property Factors (Scotland) Act 2011
- whether the responsible and relevant Person has been convicted of any offence involving fraud or other dishonesty, violence, drugs or contravention of any provision of the law relating to tenements, property or debt
- whether the responsible and relevant Person has any court or tribunal judgments against them under the Equalities Act 2010, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion Or Belief) Regulations 2003
- details provided on any requested disclosure check

The Act requires the responsible person of the property factor to provide accurate information and it is an offence to supply false or misleading information.

A property factor is admitted to the register for a period of three years. A new application must be made prior to the expiry of the three year period in order for Scottish Ministers to consider whether the factor should remain on the register.

A Fit and Proper Person test is undertaken for each application whether the factor is new to the register or has already registered in the past.

If a property factor has a new responsible or relevant person, a fit and proper test is also required which needs to be approved.