

# Scottish Courts and Tribunals Service



Mr Graham Simpson MSP  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Chief Executive's Office  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ  
DX 549306  
LP1 Edinburgh 10

9 December 2022

Dear Mr Simpson

**SCOTTISH PARLIAMENTARY QUESTION S6W-12598, S6W-12599, S6W-12600, S6W-12601, S6W-12602 & S6W-12603**

The Cabinet Secretary in his response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing in response to the matter raised.

**S6W-12598 Graham Simpson:** To ask the Scottish Government how many property factor enforcement orders have been issued by the First-tier Tribunal for Scotland in each of the last five years.

Year	Number of Orders
2017	6
2018	53
2019	82
2020	71
2021	70
<b>TOTAL</b>	<b>282</b>

**S6W-12599 Graham Simpson:** To ask the Scottish Government how many property factor enforcement orders have not been complied with in each of the last five years.

Year	Number of Orders
2017	0
2018	11
2019	17
2020	3
2021	5
<b>TOTAL</b>	<b>36</b>

**S6W-12600 Graham Simpson:** To ask the Scottish Government how many times the Scottish Ministers have been informed that a property factor has failed to comply with a property factor enforcement order in each of the last five years.

Year	Number of Orders
2017	0
2018	11
2019	17
2020	3
2021	5
<b>TOTAL</b>	<b>36</b>

**S6W-12601 Graham Simpson:** To ask the Scottish Government how many failures to comply with property factor enforcement orders have subsequently been complied with as a direct result of follow-up action taken by the Scottish Ministers in each of the last five years.

*Decisions on whether a property factor enforcement order (PFEO) has been complied with is solely the responsibility of the First-tier Tribunal for Scotland (Housing and Property Chamber) (First-tier Tribunal). The First-tier Tribunal is an independent judicial body and is separate from the Scottish Government. Scottish Ministers therefore are unable to take direct action or have influence on whether a property factor complies with a PFEO.*

**S6W-12602 Graham Simpson:** To ask the Scottish Government how many times the police have been informed that a property factor has failed to comply with a property factor enforcement order in each of the last five years.

Year	Number of Orders
2017	0
2018	10
2019	16
2020	1
2021	5
<b>TOTAL</b>	<b>32</b>

**S6W-12603 Graham Simpson:** To ask the Scottish Government how many failures to comply with property factor enforcement orders have subsequently been complied with as a direct result of follow-up action taken by the police in each of the last five years.

*This is information which we do not record. Failure to comply with a PFEO is a criminal offence and therefore when referred to the police it becomes a matter for the Police to decide whether to report the crime to the procurator fiscal.*

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



Eric McQueen  
Chief Executive