

**2012 No. 151**

**HOUSING**

**The Private Landlord Registration (Information and Fees)  
(Scotland) Amendment Regulations 2012**

<i>Made</i> - - - -	<i>17th May 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>21st May 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 83(1)(d), 83(3), 88(2C) and 141(2)(b) of the Antisocial Behaviour etc. (Scotland) Act 2004(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012 and come into force on 1st July 2012.

(2) In these Regulations “the 2005 Regulations” means the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005(b).

**Amendment of the 2005 Regulations**

2. In regulation 1(2) of the 2005 Regulations(c) (interpretation) after “2000” insert “or Part 5 of the Housing (Scotland) Act 2006(d)”.

3. After regulation 4 of the 2005 Regulations insert—

**“Notification of appointment of agent — fee**

5.—(1) Where a registered person gives notice under section 88(2) of the 2004 Act of the appointment of an agent then, unless no fee is payable in terms of subsection (2B)(e) of that section, the fee that is to accompany the notice is an amount calculated in accordance with this regulation.

(2) No fee is due if the agent—

- (a) has made a valid application under section 83 of the 2004 Act to be registered by the local authority to which the notification is submitted;

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(a) 2004 asp 8. Section 88 was amended, and subsection (2C) inserted, by section 4 of the Private Rented Housing (Scotland) Act 2011 (asp 14) (“the 2011 Act”).  
(b) S.S.I. 2005/558, which are amended by S.S.I. 2006/28, 2008/403 and 2012/38.  
(c) Regulation 1(2) was amended by S.S.I. 2006/28.  
(d) 2006 asp 1.  
(e) Section 88(2B) was inserted by section 4(a) of the 2011 Act.

- (b) is a body entered in the Scottish Charity Register, kept under section 3 of the Charities and Trustee Investment (Scotland) Act 2005(a);
- (c) is a local authority or a body registered as a social landlord in terms of section 20(1) of the Housing (Scotland) Act 2010(b); or
- (d) has been named by another registered person as their agent in a notice given to that local authority under section 88(2) of the 2004 Act and no determination has been reached in accordance with section 88(3) in relation to that agent.

(3) Where paragraph (2) does not apply, and subject to paragraphs (4) and (5), the fee is £55.

(4) The fee is £27.50 where the registered person notifies the local authority that the agent is registered by another local authority, or has submitted an application for registration to such a local authority and has not been notified of a decision on it, and the local authority to which the notification is made ascertains that the advice is correct.

(5) The fee is £27.50 (being the amount to be paid to each local authority notified) where the registered person appoints the same agent to act for them in respect of houses in more than one local authority area and—

- (a) that agent is not registered by any of those authorities and has not submitted an application for registration to any of them;
- (b) the registered person notifies each of those local authorities at the same time of the appointment of that agent in respect of the house or houses in their area; and
- (c) the registered person provides each authority with a copy of all the notifications that the person makes.

(6) Where notice is given under section 88(2) of the 2004 Act only after a local authority has issued two separate requests for a notification to be given, that local authority may require, in addition to the fee calculated in accordance with paragraphs (2) to (5), the payment of an additional fee of £110.

(7) In this regulation “agent” refers to the person appointed to act for the registered person who is referred to in the notice under section 88(2) of the 2004 Act.”.

4.—(1) Schedule 1 to the 2005 Regulations is amended as follows.

(2) In paragraph 3(a), after “85(2)(a)” insert “or (aa)(c)”.

(3) After paragraph 3(b), insert—

“; and

- (c) any antisocial behaviour order (or any interim order) within the meaning of Part 2 of the 2004 Act, and of any antisocial behaviour notice within the meaning of Part 7 of the 2004 Act, that relate to the matters provided for by section 85(3) of the 2004 Act.”.

(4) After paragraph 10(d), insert—

“(da) the Equality Act 2010 (c.15);”.

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(a) 2005 asp 10.

(b) 2010 asp 17.

(c) Section 85(2)(aa) was inserted by section 1(1)(a)(ii) of the 2011 Act.

**Saving provision**

5. The amendments made by regulation 4 do not affect the validity of any application for registration under section 83 of the Antisocial Behaviour etc. (Scotland) Act 2004 submitted before 1st July 2012.

*KEITH BROWN*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
17th May 2012

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005, which prescribe the information that a person must provide, and make provision for the fees that a person must pay, in relation to landlord registration.

Regulation 2 amends a definition that is used in the calculation of fees to clarify that it is to take into account licences granted under the Housing (Scotland) Act 2006 (asp 1) relating to houses in multiple occupation. It expands a definition so that it includes licences granted under part of that Act that came into force last year.

Regulation 3 provides fees for notification that a person has appointed an agent. The usual fee will be £55, though provision is made for some exemptions and cases where a lesser fee of £27.50 will apply. Provision is also made for local authorities to charge an additional fee of £110 where notification is only made after a repeated request for it.

Regulation 4 ensures that applications for registration must declare details of convictions, orders and notices that, as a result of commencement of provisions of the Private Rented Housing (Scotland) Act 2011 (asp 14) and the enactment of the Equality Act 2010 (c.15), are relevant to whether an applicant is a fit and proper person to be registered as a landlord or to be the holder of a licence for housing in multiple occupation.

Saving provision is made by regulation 5 to clarify that the changes made by regulation 4 do not require existing applications to be resubmitted.

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