

LANDLORD REGISTRATION

All private landlords letting properties in Scotland must have applied for registration in the register of landlords.

The aim of landlord registration is to

- provide a register of all private landlords for public inspection, with the added assurance that the local authority has conducted a fit and proper person test;
- provide a regularly updated register that can be used to assist dialogue between local authorities and landlords, and to disseminate best practice information; and
- ensuring that landlord registration enforcement action is targeted on tackling the worst landlords in the sector, whether that involves dealing with concentrations of such landlords in vulnerable urban communities, or challenging the practices of individual landlords in more rural or sparsely populated areas.

Do I need to register?

I am a landlord letting private rented property.

You must register if you are a private landlord letting residential property in Scotland, unless all the houses you let are covered by one or more of the exemptions. Letting part of your own home is exempt as is a house let to the tenant of an agricultural holding or croft. There are some other minor exemptions. If you are just entering the market, you should register before letting property.

I have an HMO licence, do I still need to register?

If you hold a licence for a House in Multiple Occupation (HMO), you will have already been found to be fit and proper by your local authority and paid the licence fee. You and your properties will still need to be on the register, however some local authorities may do this automatically and will not require a fee. You should check with your local authority in the first

instance. If you let any non-HMO properties, you must register these and pay a fee.

I am an agent managing private rented property, do I need to register?

Although you are not obliged by law to register, you are encouraged to do so. In any case, the landlord whose properties you manage must list you on his or her application, and the local authority will check that you are fit and proper to be acting as an agent. You will have to provide information for the fit and proper test, and a registration fee must be paid for you, by yourself or by the landlord you work for. You may wish to register independently in order to be able to market yourself to clients as fit and proper.

Getting registered

When do I need to register?

You must apply to register before you let any property. If you are already letting, you must contact the local authority immediately.

How do I go about registering?

Registration is simple. You can [register online](#) or get an application form from your local authority. If you require assistance with the application process you should contact the local authority in the area where you intend to let the property.

Which local authority should I register with?

You must register with each local authority in whose area you let property. If you own properties in more than one area, you can apply online to register in all authorities in one application, and this will reduce the total fee that you will have to pay.

What information will I need to provide on applying?

- your name, address, date of birth and any other names by which you are or have been known (eg maiden name)
- the addresses of any properties you let
- the name and address of any agent you use

- a contact address for queries about the property
- information on any relevant convictions or court/tribunal judgements
- a declaration that you comply with all relevant laws when letting property

You must inform the local authority as soon as possible if any of your details change, including your list of properties or the agents you use, during the three-year registration period. From 31 August 2011 it is an offence if a landlord does not notify the local authority if they appoint an agent. The maximum penalty for this offence is £1,000.

What does "fit and proper" mean?

To be registered, landlords must be fit and proper to let residential property.

A local authority may use information it holds about you to determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. In addition, local authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with the Police Service of Scotland and, if appropriate, other relevant authorities.

Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 and/or the Data Protection Act 1998.

Please be aware that under the Data Protection Act 1998 information is shared for the purposes of preventing and detecting crime. These and other measures help protect communities and let legitimate business thrive whilst deterring those wishing to engage in criminality.

Local authorities will make use of any relevant information available to them to reach a decision on whether you are fit and proper. They must take account of any evidence of:

- offences involving fraud, dishonesty, violence, drugs, firearms, or sexual offences
- unlawful discrimination
- breaches of law relating to housing and letting
- failure to act in relation to antisocial behaviour; or antisocial behaviour by the landlord, the tenant, or at the property
- breaches of the repairing standard
- complaints and information which come to the local authority's attention where landlords have not paid their share of the cost of communal repairs or repayments to the property factors;
- concerns and other information which come to the local authority's attention in relation to a property, through its other functions.

The decision of the local authority is a judgement in the light of the totality of information available - there are no grounds for automatic refusal or removal of registration. Local authorities also have the power to require a criminal record certificate when applying the fit and proper person test. Particularly if the local authority has reasonable grounds to suspect that the information provided is, or has become, inaccurate. If a registered landlord fails to provide this, they may be removed from the register.

But the decision is a judgement in the light of the information available, it is not automatic. From 31 August 2011 local authorities can require a criminal record certificate from applicants when applying the fit and proper person test. Failure to provide this may result in an application being refused, or a landlord being removed from the register.

What if it is decided that I'm not fit and proper?

You will not be allowed to register but the local authority may advise you on how to improve so that you can be registered. If you are neither registered nor in the process of registering, it is an offence to let a property. There is a right of appeal.

How much of my information will members of the public be able to see online?

Members of the public will be able to view the register on the Internet. By entering your name, they will be able to see whether you are registered. By entering the address of one of your properties they will be able to see your name, your agent's name if you use one, and the contact address which you have selected for that property.

If an application has been made but has not yet been considered by the local authority the register will show that an application is under consideration.

If your registration has been refused, the register will show that an application has been made but refused. Similarly if your registration has been revoked, the register will show that an application has been approved then subsequently revoked. However, no further detail will be displayed on the further register.

I jointly own a property with someone else, how will that work?

All joint owners must register. If the other joint owners are members of your family, you should nominate one of your number as the lead owner. The lead owner will pay the full fee; the other joint owners will pay a discounted fee.

How will I benefit from registration?

Registration will help local authorities to remove disreputable landlords from the market. This will remove the unfair competition of landlords who provide poor housing or inadequate management.

How much will it cost?

A principal fee (per landlord) for registering of £55, plus £11 for each property. You may be eligible to pay a discounted fee if you fall into one of the following categories:

- have an HMO licence
- joint own a property with a family member

There is also an additional penalty fee of £110 which can be applied to landlords who fail to submit an application following two reminder letters from the local authority.

When a landlord notifies a local authority later that they have now appointed an agent (only where the agent is not registered in their own right) the local authority can charge the landlord the principal fee to carry out the fit and proper person test.

If you apply online to more than one local authority in a single transaction, you will receive a discount on the principal fee for all except the first authority.

An extra £11 will be payable on each property which you own. Agents do not have to pay a fee for properties they manage.

How long does registration last?

Registration lasts for three years from the date your application is approved by the local authority. After three years you will have to make an application to renew your registration. A fee will be charged.