



# Private Rented Housing (Scotland) Act 2011

2011 asp 14

## PART 1 **S**

### REGISTRATION OF PRIVATE LANDLORDS

#### **5 Access to register: additional information **S****

- (1) In section 88A(1) of the 2004 Act (access to register)—
- (a) in paragraph (a), before sub-paragraph (i) insert—
    - “(zi) confirmation of whether any application relating to the house has been made in accordance with section 83 but has not yet been determined;”,
  - (b) in paragraph (a)(i), for “the owner” substitute “ any owner of the house ”,
  - (c) in paragraph (b)—
    - (i) after “applicant” insert “—  
(i)”,
    - (ii) after “register” insert “; and  
(ii) whether its register includes a note under section 92ZA of a decision to refuse that other person's entry in, or to remove that other person from, the register.”.
- (2) After section 92 of the 2004 Act insert—

#### **“92ZA Duty to note refusals and removals**

- (1) Subsection (4) applies where—
- (a) a local authority decides to—
    - (i) refuse to enter a person in its register under section 84(2)(b) or (7); or
    - (ii) remove a person from its register under section 88(8) or 89(1) or (4); and

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*Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 5. (See end of Document for details)*

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- (b) either—
  - (i) the period for making an application to the sheriff in relation to the decision for the purposes of section 92(2) expires without an application being made; or
  - (ii) such application is refused by the sheriff and—
    - (A) the period for appealing against the sheriff's decision expires without an appeal being made; or
    - (B) such an appeal is refused by the sheriff principal.
- (2) Subsection (4) applies where—
  - (a) a local authority decides to refuse to enter a person in its register under section 84(8); and
  - (b) either—
    - (i) the period for making an application to the sheriff in relation to the decision for the purposes of section 92(2) expires without an application being made; or
    - (ii) such application is refused by the sheriff and—
      - (A) the period for appealing against the sheriff's decision expires without an appeal being made; or
      - (B) such an appeal is refused by the sheriff principal.
- (3) Subsection (4) applies where a local authority removes a person from its register under section 89(5).
- (4) Where this subsection applies, the local authority must note the fact in its register that the person has been refused entry to, or removed from, its register.
- (5) Where a fact is noted by virtue of subsection (1) it must, subject to subsection (6)—
  - (a) remain on the register for 12 months from the date on which the local authority is required to note it in its register; and
  - (b) be removed from the register at the end of that period.
- (6) Where a person in respect of whom a local authority notes a fact in its register by virtue of subsection (1) is subsequently entered in the register before the end of the period mentioned in subsection (5)(a), the local authority must remove the fact from the register when the person is so registered.
- (7) Where a fact is noted by virtue of subsection (2) or (3) it must—
  - (a) remain on the register for the period of disqualification specified in the order made under section 93A(2); and
  - (b) be removed from the register at the end of that period.”.

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**Commencement Information**

**II** S. 5 in force at 1.4.2013 by S.S.I. 2013/82, art. 2(1), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 5.