



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 4

#### LETTING AGENTS

##### *Offences where no registration*

#### **44 Offence of operating as a letting agent without registration**

- (1) It is an offence for a person who is not a registered letting agent to carry out letting agency work, unless subsection (2) applies to that person.
- (2) This subsection applies to a person from the day on which the person is removed from the register under section 39 until—
  - (a) where the period mentioned in section 41(2) expires without an appeal being made, the expiry of that period,
  - (b) where such an appeal is made, the day on which it is finally determined or abandoned.
- (3) It is a defence for a person charged with an offence under subsection (1) to show that the person had a reasonable excuse for acting in the way charged.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine not exceeding £50,000, or to both.

#### **Annotations:**

#### **Commencement Information**

- II** [S. 44](#) in force at 2.10.2018 by [S.S.I. 2016/412](#), [art. 2](#), [sch.](#) (with [art. 3](#)) (as amended (1.12.2017) by [S.S.I. 2017/330](#), [art. 2](#))

---

*Changes to legislation: Housing (Scotland) Act 2014, Cross Heading: Offences where no registration is up to date with all changes known to be in force on or before 21 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

#### **45 Offence of using a registration number where no registration**

- (1) It is an offence for a person who is not entered in the register, without reasonable excuse, to use a number purporting to be a letting agent registration number in any document or communication.
- (2) Subsection (1) does not apply to a person who is removed from the register under section 39 until—
  - (a) where the period mentioned in section 41(2) expires without an appeal being made, the expiry of that period,
  - (b) where such an appeal is made, the day on which it is finally determined or abandoned.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Annotations:**

#### **Commencement Information**

**I2** S. 45 in force at 31.1.2018 by [S.S.I. 2016/412](#), art. 2, [sch.](#)

**Changes to legislation:**

Housing (Scotland) Act 2014, Cross Heading: Offences where no registration is up to date with all changes known to be in force on or before 21 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)