



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

Removal from the register

38 Duration of registration

- (1) The Scottish Ministers must remove a registered letting agent from the register if, on the expiry of the registration period, the registered letting agent has not made an application in accordance with section 30.
- (2) The registration period is—
 - (a) in the case of a letting agent whose registration has not previously been renewed, the period of 3 years beginning with the date on which the entry was made,
 - (b) in any other case, the period of 3 years beginning the day after the end of the previous registration period.

Annotations:

Commencement Information

- II** [S. 38](#) in force at 31.1.2018 by [S.S.I. 2016/412](#), [art. 2](#), [sch.](#)

39 Revocation of registration

- (1) The Scottish Ministers may remove a registered letting agent from the register if they are satisfied that—
 - (a) the agent is not, or is no longer, a fit and proper person to carry out letting agency work,
 - (b) any other person who is required to be identified in an application by virtue of section 30 or in accordance with the duty in section 37, is not, or is no longer, a fit and proper person in relation to letting agency work, or

Changes to legislation: *Housing (Scotland) Act 2014, Cross Heading: Removal from the register is up to date with all changes known to be in force on or before 23 February 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)*

- (c) the agent does not meet the training requirements prescribed under section 32(2)(c).
- (2) Before removing a registered letting agent from the register under this section the Scottish Ministers must give to the agent a notice stating that—
 - (a) they are considering removing the agent from the register and their reasons for doing so, and
 - (b) the agent has the right to make written representations to the Scottish Ministers before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (3) In making their decision under this section the Scottish Ministers must consider any representations made in accordance with subsection (2)(b).
- (4) The Scottish Ministers must, as soon as practicable after making a decision to remove a registered letting agent from the register, notify the agent of—
 - (a) their decision and their reasons for that decision,
 - (b) the date of removal from the register.

Annotations:

Commencement Information

I2 S. 39 in force at 31.1.2018 by [S.S.I. 2016/412](#), art. 2, [sch.](#)

40 Removal from register on application

- (1) A registered letting agent may apply to the Scottish Ministers to be removed from the register.
- (2) The application must be accompanied by a fee of such amount (if any) as the Scottish Ministers may determine.
- (3) The Scottish Ministers must remove a registered letting agent from the register if, having considered an application under this section, they are satisfied that—
 - (a) the registered letting agent is no longer carrying out letting agency work, and
 - (b) it is otherwise appropriate to remove that agent from the register.
- (4) The Scottish Ministers must, as soon as practicable after making their decision under this section, notify the agent who made the application of—
 - (a) their decision,
 - (b) in the case of a decision to remove the agent from the register, the date of removal from the register, and
 - (c) in the case of a decision not to remove the agent from the register, their reasons for that decision.

Annotations:

Commencement Information

I3 S. 40 in force at 31.1.2018 by [S.S.I. 2016/412](#), art. 2, [sch.](#)

Changes to legislation:

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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\(2\)](#)