



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

Inclusion in the register

32 Decision on application

- (1) The Scottish Ministers must determine an application under section 30 in accordance with this section.
- (2) The Scottish Ministers must enter the applicant in the register or renew an existing entry if they are satisfied that—
 - (a) the applicant is 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 is a fit and proper person in relation to letting agency work, and
 - (c) the applicant meets such training requirements as the Scottish Ministers may by regulations prescribe.
- (3) Regulations under subsection (2)(c) may, in particular, prescribe—
 - (a) the matters on which training must have been undertaken,
 - (b) the persons who must have undertaken training,
 - (c) qualifications which must be held by the applicant or other persons,
 - (d) the period within which training must have taken place.
- (4) An applicant who is entered in the register, or whose entry is renewed, is to be known as a “registered letting agent”.
- (5) The Scottish Ministers must refuse to enter the applicant in the register or to renew an existing entry if they are not satisfied in accordance with subsection (2).
- (6) Before refusing to enter the applicant in the register or to renew an existing entry, the Scottish Ministers must give to the applicant a notice stating that—
 - (a) they are considering refusing the application and their reasons for doing so, and

Changes to legislation: *Housing (Scotland) Act 2014, Section 32 is up to date with all changes known to be in force on or before 08 May 2023. 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) View outstanding changes*

- (b) the applicant 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).
- (7) In making their decision under this section the Scottish Ministers must consider the application and any representations made in accordance with subsection (6)(b).
- (8) The Scottish Ministers must, as soon as practicable after making their decision under this section, notify the applicant of—
- (a) their decision,
 - (b) in the case of a decision to enter the applicant in the register, the date of entry in the register,
 - (c) in the case of a decision to renew an existing entry, the date of renewal, and
 - (d) in the case of a refusal to enter the applicant in the register or to renew an existing entry, their reasons for the refusal and the date of that refusal.
- (9) If the Scottish Ministers refuse to renew an existing entry they must remove the registered letting agent from the register on the date of final refusal.
- (10) For the purposes of subsection (9) the date of final refusal is the date on which—
- (a) the period mentioned in section 41(2) expires without an appeal being made,
 - (b) where such an appeal is made, the appeal is finally determined or abandoned.

Commencement Information

- I1** S. 32(1)(2)(a)(b)(3)-(10) in force at 31.1.2018 by [S.S.I. 2016/412](#), art. 2, [sch.](#)
- I2** S. 32(2)(c) in force at 2.2.2016 for specified purposes by [S.S.I. 2015/430](#), art. 2, [Sch. 1](#)
- I3** S. 32(2)(c) in force at 31.1.2018 in so far as not already in force by [S.S.I. 2016/412](#), art. 2, [sch.](#)

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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\(2\)](#)