



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

Inclusion in the register

33 Time limit for determining application

- (1) This section applies where a person (referred to in this section as the “applicant”) makes an application in accordance with section 30.
- (2) The Scottish Ministers must determine the application under section 32 within 12 months of receiving the application.
- (3) The period mentioned in subsection (2) may be extended by the First-tier Tribunal, on application by the Scottish Ministers, by such period as the Tribunal thinks fit.
- (4) The Tribunal may not extend a period unless the Scottish Ministers apply for the extension before the period expires.
- (5) The applicant is entitled to be a party to any proceedings on an application under subsection (3).
- (6) The decision of the Tribunal on such an application is final.
- (7) If the Scottish Ministers do not determine the application within the period required by this section—
 - (a) on the day by which they were required to determine the application, they are to be treated as having entered the applicant in the register or, as the case may be, having renewed the applicant's existing entry in the register, and
 - (b) the applicant is to be treated as being removed from the register on the expiry of the period of 12 months beginning with that day unless—
 - (i) before the expiry of the period, the applicant made a subsequent application in accordance with section 30 to renew the applicant's entry in the register, or
 - (ii) the applicant is otherwise removed from the register in accordance with this Part.

Changes to legislation: *Housing (Scotland) Act 2014, Section 33 is up to date with all changes known to be in force on or before 27 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*

- (8) Where subsection (7) applies the Scottish Ministers must—
- (a) notify the applicant—
 - (i) that subsection (7) applies, and
 - (ii) of the day on which, in accordance with subsection (7)(a), they are treated as having entered the applicant in the register or, as the case may be, having renewed the applicant's existing entry in the register, and
 - (b) enter the name of the applicant in the register or, as the case may be, renew the applicant's existing entry in the register.
- (9) Subject to the modifications in subsection (10), the applicant is for all purposes to be treated as a registered letting agent entered in the register or, as the case may be, whose entry has been renewed by virtue of section 32(2).
- (10) The modifications are—
- (a) section 38 does not apply,
 - (b) paragraphs (a) and (b) of section 39(1) are to be read as if for the words “no longer” there were substituted “not”, and
 - (c) subsections (1)(b) and (5)(b) of section 43 are to be read as if after the word “under” there were inserted “section 33(7)(b) or”.

Commencement Information

II S. 33 in force at 31.1.2018 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\(2\)](#)