



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

General

60 Landlord registration where agent is a registered letting agent

- (1) In section 84(4) of the 2004 Act (registration), for paragraph (d) substitute—
- “(d) either—
- (i) the person is a registered letting agent, or
 - (ii) in the case of a person who is not a registered letting agent, the person is a fit and proper person to act for the landlord such as is mentioned in subsection (3)(c) in relation to the lease or, as the case may be, arrangement.”.
- (2) In section 88 of the 2004 Act (registered person: appointment of agent)—
- (a) in subsection (2B)—
 - (i) the word “or” at the end of paragraph (a) is repealed, and
 - (ii) after subsection (b), insert “,or
 - (c) the person appointed is a registered letting agent.”,
 - (b) for subsection (4), substitute—

“(4) The condition is that either—

 - (a) the person is a registered letting agent, or
 - (b) in the case of a person who is not a registered letting agent, the person is a fit and proper person to act for the registered person in relation to a lease or occupancy arrangement such as is mentioned in subsection (1)(b).”,
 - (c) in subsection (5), for “(4)” substitute “ (4)(b) ”.
- (3) In section 89 of the 2004 Act (removal from the register)—
- (a) in subsection (3)(b) for “(d)” substitute “ (d)(ii) ”,
 - (b) after subsection (3), insert—

Changes to legislation: *Housing (Scotland) Act 2014, Section 60 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*

“(3A) Where—

- (a) a person is registered by the local authority by virtue of section 84(4), and
 - (b) paragraph (d)(i) of that section no longer applies, the authority may remove the person from the register.”.
- (4) In section 90(1) of the 2004 Act (notification of removal from register: registered person), after “89(1)” insert “, (3A) ”.
- (5) In section 91(1) of the 2004 Act (notification of removal from register: other persons), after “89(1)” insert “, (3A) ”.
- (6) In section 92(1)(b) of the 2004 Act (appeal), after “89(1)” insert “, (3A) ”.
- (7) In section 92ZA(1)(a)(ii) of the 2004 Act (duty to note refusals and removals), after “89(1)” insert “, (3A) ”.
- (8) In section 92A(1)(b) of the 2004 Act (the Letting Code), after “person” where it first occurs insert “ (other than a registered letting agent) ”.
- (9) In section 101 of the 2004 Act (interpretation of Part 8), after the definition of “registered” insert—
- ““registered letting agent” has the meaning given by section 32(4) of the Housing (Scotland) Act 2014 (asp 14),”.

Commencement Information

II S. 60 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\(2\)](#)