



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 - (i) the word “or” at the end of paragraph (a) is repealed, and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—

Status: This is the original version (as it was originally enacted).

“(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](#)),”.