

2005 No. 557

HOUSING

CRIMINAL LAW

LOCAL GOVERNMENT

**The Private Landlord Registration (Advice and Assistance)
(Scotland) Regulations 2005**

Made - - - - - *9th November 2005*

Laid before the Scottish Parliament *11th November 2005*

Coming into force - - - *31st March 2006*

The Scottish Ministers, in exercise of the powers conferred by section 99 of the Antisocial Behaviour (Scotland) Act 2004^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Landlord Registration (Advice and Assistance) (Scotland) Regulations 2005 and shall come into force on 31st March 2006.

(2) In these Regulations “the 2004 Act” means the Antisocial Behaviour etc. (Scotland) Act 2004.

Advice and Assistance – landlords

2. A local authority shall provide an applicant for registration under section 83 of the 2004 Act with general advice on what constitutes good practice in the letting of houses, if such advice has not already been provided as part of the process leading to the making of the application.

3. If a local authority proposes to—

- (a) refuse an application for registration under section 84(2)(b) of the 2004 Act; or
- (b) remove a registered person from the register in terms of section 89(1) of the 2004 Act,

that local authority shall, if it considers that the applicant or registered person can, or might be able to, take action to avert that proposed refusal or removal, give the applicant or registered person advice on the appropriate action to take.

Advice and Assistance - tenants

4.—(1) Where a local authority makes a decision to—

^(a) 2004 asp 8.

- (a) refuse an application for registration of a landlord under section 84(2)(b) of the 2004 Act;
- (b) remove a landlord from the register in terms of section 89(1) of the 2004 Act;
- (c) serve a notice that no rent is payable in terms of section 94(1) of the 2004 Act,

it shall provide advice and assistance in relation to the relevant action referred to in (a) to (c) to the occupants of each house, as the case may be, that is–

- (i) specified in the landlord's application for registration under section 83 of the 2004 Act;
- (ii) immediately before the removal, entered in the landlord's entry in the register; or
- (iii) specified in the notice which has been or is to be served.

(2) The advice and assistance to be given in terms of paragraph (1) shall include–

- (a) information on the general position of tenants or occupants where a landlord decides to terminate a lease or occupancy arrangement other than under a Scottish secure tenancy or short Scottish secure tenancy;
- (b) advice on sources of individual advice and assistance including money advice and benefits advice should the landlord decide to terminate the tenancy or occupancy agreement;
- (c) details of the assistance that could be available from a local authority in terms of homelessness legislation and of how to seek such assistance.

(3) The advice and assistance to be given in terms of paragraph (1) shall be provided as soon as practicable after the relevant decision specified in paragraph (1) has been taken.

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
9th November 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for advice that the local authority must provide in connection with the registration of private landlords under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.

Regulation 2 provides for general advice on good letting practice to be given by the local authority to every applicant for registration.

Regulation 3 requires the local authority to provide more specific advice on action to take where it is minded to refuse or remove registration but it considers that there is action which the applicant or registered person could take which might lead the authority not to refuse or remove registration.

Regulation 4 provides for the local authority to give advice and assistance to occupants where it takes action against the landlord. Where the action is the refusal or removal of registration, that advice is to be given to the occupants of all the landlord's houses that are subject to registration. Where the action is the service of a notice that no rent is payable under section 94 of the Act, the advice is to be given to the occupants of the house concerned. The regulation lists advice and assistance that should be included in what the local authority provides.

A Regulatory Impact Assessment has been prepared for these Regulations.

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£3.00

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