
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 151

The Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2012

Amendment of the 2005 Regulations

3. After regulation 4 of the 2005 Regulations insert—

“Notification of appointment of agent — fee

5.—(1) Where a registered person gives notice under section 88(2) of the 2004 Act of the appointment of an agent then, unless no fee is payable in terms of subsection (2B)(1) of that section, the fee that is to accompany the notice is an amount calculated in accordance with this regulation.

(2) No fee is due if the agent—

- (a) has made a valid application under section 83 of the 2004 Act to be registered by the local authority to which the notification is submitted;
- (b) is a body entered in the Scottish Charity Register, kept under section 3 of the Charities and Trustee Investment (Scotland) Act 2005(2);
- (c) is a local authority or a body registered as a social landlord in terms of section 20(1) of the Housing (Scotland) Act 2010(3); or
- (d) has been named by another registered person as their agent in a notice given to that local authority under section 88(2) of the 2004 Act and no determination has been reached in accordance with section 88(3) in relation to that agent.

(3) Where paragraph (2) does not apply, and subject to paragraphs (4) and (5), the fee is £55.

(4) The fee is £27.50 where the registered person notifies the local authority that the agent is registered by another local authority, or has submitted an application for registration to such a local authority and has not been notified of a decision on it, and the local authority to which the notification is made ascertains that the advice is correct.

(5) The fee is £27.50 (being the amount to be paid to each local authority notified) where the registered person appoints the same agent to act for them in respect of houses in more than one local authority area and—

- (a) that agent is not registered by any of those authorities and has not submitted an application for registration to any of them;
- (b) the registered person notifies each of those local authorities at the same time of the appointment of that agent in respect of the house or houses in their area; and
- (c) the registered person provides each authority with a copy of all the notifications that the person makes.

(1) Section 88(2B) was inserted by section 4(a) of the 2011 Act.
(2) 2005 asp 10.
(3) 2010 asp 17.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Where notice is given under section 88(2) of the 2004 Act only after a local authority has issued two separate requests for a notification to be given, that local authority may require, in addition to the fee calculated in accordance with paragraphs (2) to (5), the payment of an additional fee of £110.

(7) In this regulation “agent” refers to the person appointed to act for the registered person who is referred to in the notice under section 88(2) of the 2004 Act.”