

**2017 No. 428**

**HOUSING**

**The Letting Agent (Registration and Code of Practice)  
(Scotland) (Miscellaneous Amendments) Regulations 2017**

<i>Made</i>	- - - -	<i>5th December 2017</i>
<i>Laid before the Scottish Parliament</i>		<i>7th December 2017</i>
<i>Coming into force</i>	- -	<i>31st January 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 29(2)(b), 30(2)(f), 46(1) and 101(1) of the Housing (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with section 46(3) of that Act, they have consulted such persons as they consider appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Letting Agent (Registration and Code of Practice) (Scotland) (Miscellaneous Amendments) Regulations 2017 and come into force on 31st January 2018.

**Amendment of the Letting Agent Registration (Scotland) Regulations 2016**

2.—(1) The Letting Agent Registration (Scotland) Regulations 2016(b) are amended in accordance with paragraph (2).

(2) In regulation 4 (additional information to be included in an application for registration), in paragraph (2)—

- (a) in sub-paragraphs (l)(ii), (n), (p)(ii) and (r), after “equivalent”, insert “or greater”;
- (b) in sub-paragraph (o), at the beginning, insert “in the case where the applicant holds client money,”;
- (c) in sub-paragraph (p), at the beginning, insert “where sub-paragraph (o) applies,”;
- (d) after sub-paragraph (s)(iii), omit “and”; and
- (e) in sub-paragraph (t), at the end, insert—
  - “; and
  - (u) the date when the applicant commenced carrying out letting agency work”.

### **Amendment of the Letting Agent Code of Practice (Scotland) Regulations 2016**

**3.**—(1) The Letting Agent Code of Practice (Scotland) Regulations 2016<sup>(a)</sup> are amended in accordance with paragraph (2).

(2) In the schedule (letting agent code of practice)—

- (a) in paragraph 32(p) (handling client money), at the beginning, insert “if you hold client money,”;
- (b) in paragraph 43 (giving correct information to prospective tenants), omit “length and”;
- (c) in paragraph 64 (tenancy agreement), omit “signed”;
- (d) in paragraph 77 (rent collection), after “receipt”, insert “which states the date of payment, the amount paid and either the amount which remains outstanding or confirmation that no further amount remains outstanding”;
- (e) in paragraph 82 (property access and visits), omit “Section 184 of the Housing (Scotland) Act 2006 specifies that”; and
- (f) in paragraph 117 (handling landlords’ and tenants’ money, and insurance arrangements), at the end, insert “This section only applies if you hold and handle client money.”.

*KEVIN STEWART*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
5th December 2017

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<sup>(a)</sup> S.S.I. 2016/133 amended by S.S.I. 2017/405.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the Letting Agent Registration (Scotland) Regulations 2016 (“the Registration Regulations”) and the Letting Agent Code of Practice (Scotland) Regulations 2016 (“the Code of Practice”).

Regulation 2 amends the Registration Regulations in relation to the information required in an application for registration as a letting agent to ensure that the Registration Regulations reflect the requirements in the Code of Practice and to make provision for those letting agents who do not hold and handle client money.

Regulation 3(2)(a) and (f) amends the Code of Practice to make provision for those letting agents who do not hold and handle client money. Regulation 3(2)(b) to (d) makes amendments to ensure the Code of Practice works effectively for all types of tenancy, including the private residential tenancy. Regulation 3(2)(e) clarifies the provision in relation to notice for access to the property.

A Business and Regulatory Impact Assessment has been carried out in relation to the letting agent Code of Practice and registration requirements. It has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Housing and Social Justice Directorate, Victoria Quay, Edinburgh, EH6 6QQ.

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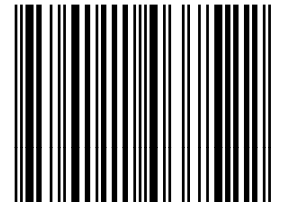
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