



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 4

#### LETTING AGENTS

##### *Code of practice*

#### 46 Letting Agent Code of Practice

- (1) The Scottish Ministers may, by regulations, set out a code of practice which makes provision about—
  - (a) the standards of practice of persons who carry out letting agency work,
  - (b) the handling of tenants' and landlords' money by those persons, and
  - (c) the professional indemnity arrangements to be kept in place by those persons.
- (2) The code of practice is to be known as the Letting Agent Code of Practice.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate on a draft of the code of practice.

#### Commencement Information

**II** S. 46 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

VALID FROM 31/01/2018

#### 47 Prohibition on contracting out

- (1) The terms of any agreement of a kind mentioned in subsection (2) are of no effect in so far as they purport to—
  - (a) exclude or limit any duty a letting agent has under the Letting Agent Code of Practice, or
  - (b) impose any penalty, disability or obligation in the event of a person enforcing compliance by the letting agent with such a duty.

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*Status: Point in time view as at 20/11/2014. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Housing (Scotland) Act 2014, Cross Heading: Code of practice is up to date with all changes known to be in force on or before 04 January 2024. 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)*

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(2) The agreements are—

- (a) an agreement between a landlord and a letting agent,
- (b) an agreement between a tenant and a letting agent,
- (c) an agreement (including a lease) between a landlord and a tenant.

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