



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 3

#### PRIVATE RENTED HOUSING

##### *Landlord registration: time limit for determining application*

#### **21 Landlord registration: time limit for determining application**

(1) After section 85A of the 2004 Act, insert—

##### **“85B Time limit for determining application**

- (1) This section applies where a relevant person makes an application to a local authority in accordance with section 83.
- (2) The local authority must determine the application under section 84 within 12 months of receiving the application.
- (3) The period mentioned in subsection (2) may be extended by the First-tier Tribunal, on application by the local authority, by such period as the Tribunal thinks fit.
- (4) The First-tier Tribunal may not extend a period unless the local authority applies for the extension before the period expires.
- (5) The relevant person is entitled to be a party to any proceedings on such an application.
- (6) The decision of the First-tier Tribunal on such an application is final.
- (7) If the local authority does not determine the application within the period required by this section—
  - (a) the authority is to be treated as having entered, on the day by which the authority was required to determine the application, the relevant person in the register maintained by the authority under section 82(1), and

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*Status: This is the original version (as it was originally enacted).*

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- (b) unless otherwise removed from the register in accordance with this Part, that person is to be treated as being removed from the register on the expiry of the period of 12 months beginning with that day.
- (8) Where subsection (7) applies the authority must—
  - (a) enter the name of the relevant person in the register maintained by the authority under section 82(1), and
  - (b) state in the register a registration number in relation to that person (which is to be treated as having been given under section 84(5A)).
- (9) Subject to the modifications in subsection (10), the relevant person is for all purposes to be treated as having been registered by virtue of section 84(2)(a).
- (10) The modifications are—
  - (a) in the case of an application to which section 84(3)(a) and (b) applies, the relevant person is to be treated as having been registered by virtue of section 84(3), and
  - (b) in the case of an application to which section 84(4)(a) and (b) applies, the relevant person is to be treated as having been registered by virtue of section 84(4),
  - (c) section 84(6) does not apply, and
  - (d) section 89(2)(b), (3)(b) and (3A)(b) are to be read as if for the words “no longer applies” there were inserted “does not apply”.
- (2) In section 86(1)(a) of the 2004 Act (entry in the register), after “section 84(2)” insert “or section 85B(8)(a)”.