



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 4

#### LETTING AGENTS

##### *Inclusion in the register*

#### **32 Decision on application**

- (1) The Scottish Ministers must determine an application under section 30 in accordance with this section.
- (2) The Scottish Ministers must enter the applicant in the register or renew an existing entry if they are satisfied that—
  - (a) the applicant is a fit and proper person to carry out letting agency work,
  - (b) any other person who is required to be identified in an application by virtue of section 30 is a fit and proper person in relation to letting agency work, and
  - (c) the applicant meets such training requirements as the Scottish Ministers may by regulations prescribe.
- (3) Regulations under subsection (2)(c) may, in particular, prescribe—
  - (a) the matters on which training must have been undertaken,
  - (b) the persons who must have undertaken training,
  - (c) qualifications which must be held by the applicant or other persons,
  - (d) the period within which training must have taken place.
- (4) An applicant who is entered in the register, or whose entry is renewed, is to be known as a “registered letting agent”.
- (5) The Scottish Ministers must refuse to enter the applicant in the register or to renew an existing entry if they are not satisfied in accordance with subsection (2).
- (6) Before refusing to enter the applicant in the register or to renew an existing entry, the Scottish Ministers must give to the applicant a notice stating that—
  - (a) they are considering refusing the application and their reasons for doing so, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the applicant has the right to make written representations to the Scottish Ministers before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (7) In making their decision under this section the Scottish Ministers must consider the application and any representations made in accordance with subsection (6)(b).
- (8) The Scottish Ministers must, as soon as practicable after making their decision under this section, notify the applicant of—
  - (a) their decision,
  - (b) in the case of a decision to enter the applicant in the register, the date of entry in the register,
  - (c) in the case of a decision to renew an existing entry, the date of renewal, and
  - (d) in the case of a refusal to enter the applicant in the register or to renew an existing entry, their reasons for the refusal and the date of that refusal.
- (9) If the Scottish Ministers refuse to renew an existing entry they must remove the registered letting agent from the register on the date of final refusal.
- (10) For the purposes of subsection (9) the date of final refusal is the date on which—
  - (a) the period mentioned in section 41(2) expires without an appeal being made,
  - (b) where such an appeal is made, the appeal is finally determined or abandoned.