

SCHEDULE 3

Article 5

Mandatory licence conditions

Information to be displayed

1. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—

- (a) a certified copy of the licence and the licence conditions,
- (b) fire, gas and electrical safety information,
- (c) details of how to summon the assistance of emergency services,
- (d) a copy of the gas safety report,
- (e) a copy of the Electrical Installation Condition Report, and
- (f) a copy of the Portable Appliance Testing Report.

Gas safety

2. Where the premises has a gas supply—

- (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
- (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not grant a short-term let until the works necessary to bring the appliance to the required safety standard have been carried out.

Fire safety

3. The holder of the licence must—

- (a) ensure that all upholstered furnishings and mattresses within the premises comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(1),
- (b) keep records showing that all upholstered furnishings and mattresses within the premises comply with the Regulations.

Legionella

4. The holder of the licence must assess the risk from exposure to Legionella within the premises, whether or not the short-term let has a private water supply.

Private water supplies

5. Where a premises is served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(2).

Planning Permission

6. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(3) (“the 1997 Act”), the holder of the licence must

(1) [S.I. 1988/1324](#).

(2) [S.S.I. 2017/282](#).

(3) [1997 c.8](#). Section 26B was inserted by section 17 of the Planning (Scotland) Act 2019 ([asp 13](#)).

where the use of the premises for a short-term let requires planning permission under the 1997 Act ensure that either—

- (a) an application has been made for planning permission under the 1997 Act, or
- (b) planning permission under the 1997 Act is in force.

Safety & repair standards

7.—(1) The holder of the licence must take all reasonable steps to ensure the accommodation is safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2016, the holder of the licence must ensure that the premises meet the repairing standard.

(3) Where the premises are not subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2016, the holder of the licence must ensure that the accommodation meets the requirements in sub-paragraphs (4) to (6).

(4) The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—

- (a) fire or suspected fire, and
- (b) carbon monoxide present in a concentration that is hazardous to health.

(5) Where there are electrical fittings or items in the accommodation, the holder of the licence must—

- (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
- (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
- (c) ensure that following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
- (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.

(6) In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(4).

Maximum Occupancy

8. The licence holder must ensure that the number of guests residing in the accommodation does not exceed the number specified in the licence.

Listings

9. The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the premises includes—

- (a) the licence number, and

(4) 2006 asp 1. Section 19B was inserted by section 23(2) of the Housing (Scotland) Act 2014 (asp 14).

- (b) a valid Energy Performance Certificate rating.

Insurance

10. The holder of the licence must, for the duration of the licence, hold for the premises—

- (a) valid buildings insurance, and
- (b) valid public liability insurance providing cover of not less than £5 million.

Agents

11. The holder of the licence must not authorise any other person to carry on the day to day management of the short-term let of the premises.

Payment of fees

12. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

13. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

14. In this schedule—

“the holder of the licence” means any person to whom a licence has been granted or jointly granted,

“Electrical Installation Condition Report” means a report containing the following information—

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

“Energy Performance Certificate” has the same meaning as in the Energy Performance of Buildings (Scotland) Regulations 2008⁽⁵⁾,

“gas safety report” means a report containing the following information—

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,

(5) [S.S.I. 2008/309](#).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.

- (f) confirmation that the check undertaken complies with the requirements of an examination of —
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
 - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
 - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998⁽⁶⁾, and

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2016.

⁽⁶⁾ S.I. 1998/2451.