
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 558

HOUSING

CRIMINAL LAW

LOCAL GOVERNMENT

The Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005

<i>Made</i>	- - - -	<i>9th November 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th November 2005</i>
<i>Coming into force</i>	- -	<i>1st January 2006</i>

The Scottish Ministers, in exercise of the powers conferred by sections 83(1), 83(3) and 87(4) of the Antisocial Behaviour (Scotland) Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005 and shall come into force on 1st January 2006.

(2) In these Regulations “the 2004 Act” means the Antisocial Behaviour etc. (Scotland) Act 2004.

(3) In Schedule 2 to these Regulations, “lead owner”⁽²⁾ means the person, where applicable, who is designated as such in the application for registration under section 83 of the 2004 Act.

Application for registration – prescribed information

2.—(1) An application for registration under section 83 of the 2004 Act shall contain, in addition to the information listed there, the information prescribed and set out in Schedule 1 to these regulations.

(2) Where Schedule 1 prescribes information which is not applicable to a relevant person (as defined in section 83 of the 2004 Act), the relevant person should indicate on the application for registration that the information is not applicable to the relevant person.

(1) [2004 asp 8](#).

(2) A “lead owner” is required to be designated in application by virtue of the prescribed information contained in Schedule 1 to these Regulations.

Registration – how fees are to be arrived at

3. Schedule 2 prescribes the method of establishing the fee to accompany an application for registration under section 83 of the 2004 Act.

Notification of changes to information provided for registration – fees

4.—(1) Subject to paragraph (2), no fee shall be payable by a registered person who is required to give notice of a change in circumstances in terms of section 87 of the 2004 Act.

(2) Where the change in circumstances to be notified includes information in terms of section 83(1)(b) of the 2004 Act relating to a house which is not already entered in the register maintained in terms of section 82 of the 2004 Act, the fee shall be calculated in accordance with the first entry in paragraph 4 of Schedule 2.

St Andrew's House, Edinburgh
9th November 2005

MALCOLM CHISHOLM
A member of the Scottish Executive

SCHEDULE 1

Regulation 2

PRESCRIBED INFORMATION FOR APPLICATION FOR REGISTRATION

1. The date of birth of the applicant.
2. Details of any licence, voluntary accreditation or registration held, refused or revoked in connection with letting houses in the UK by the applicant.
3. A declaration of –
 - (a) any convictions of the applicant relating to offences involving the matters listed in section 85(2)(a) of the 2004 Act; and
 - (b) any convictions of the applicant relating to offences in connection with any matter relating to the provisions referred to in section 85(2)(c) of the 2004 Act and any finding of a court or tribunal that the applicant has contravened any of those provisions.
4. A declaration that the applicant complies with other legal requirements relating to his or her lettings.
5. The identity of any other joint owner in relation to any property declared by the applicant under section 83(1)(b) of the 2004 Act, and–
 - (a) whether that person is a member of the family of the applicant; and
 - (b) which one of the joint owners is to be designated as the lead owner for the purpose of registration.
6. Whether the applicant is registered as a charity and the relevant charity registration number.
7. Other names by which the applicant has been known.
8. Where the applicant has not been resident for 5 years or more at the address provided under section 83(1)(a) of the 2004 Act, all previous addresses of the applicant in the last 5 years.
9. Where the applicant is a company, the company registration number.
10. Any court or tribunal judgements against the applicant under–
 - (a) the Equal Pay Act 1970 (c. 41),
 - (b) the Sex Discrimination Act 1975 (c. 65),
 - (c) the Race Relations Act 1976 (c. 74),
 - (d) the Disability Discrimination Act 1995 (c. 50),
 - (e) the Employment Equality (Sexual Orientation) Regulations 2003 (S.I.2003/1661); or
 - (f) the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660).
11. The contact address in connection with day-to-day management of the property.

SCHEDULE 2

Regulations 1, 3 and 4

FEES FOR REGISTRATION

1. The fee charged for registration under section 83 of the 2004 Act is to be arrived at by the following method–
 - (a) in all cases, a principal fee arrived in accordance with paragraph 2 below;
 - (b) applying to that principal fee such discount as is relevant to the application as referred to in paragraph 3;

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- (c) adding to the figure reached after applying (a) and (b), such additional fee as is relevant to the application as referred to in paragraph 4; and
 - (d) applying to the figure reached after applying (a), (b) and (c), such discount as is relevant to the application as is referred to in paragraph 5.
2. The principal fee referred to in paragraph 1 is to be established by the local authority by—
- (a) estimating the reasonable costs of carrying out its functions under Part 8 of the 2004 Act from 1st January 2006 until 31st March 2009, taking into account any grant paid or expected to be paid to the local authority in relation to that period under section 98 of the 2004 Act;
 - (b) estimating the numbers of applications for registration of different types relevant to paragraphs 3 to 5 below; and
 - (c) taking into account the additional fees and discounts referred to in paragraphs 3 to 5 below,
- so as to ensure as reasonably as possible that the income from fees meets the relevant costs.
3. The following discounts are those applicable to the principal fee:

Joint owners other than the lead owner who are members of the same family as the lead owner	100% of the principal fee
Where the landlord is applying simultaneously to more than one local authority, in the case of those local authorities other than the authority in which the applicant has the greatest number of houses which require to be registered (or, where the applicant has the same greatest number of houses in more than one authority, such one of those authorities as agreed by the authorities concerned)	75% of the principal fee
Where the applicant has been declared under section 83(1)(c) of the 2004 Act, in relation to only one house	50% of the principal fee
Where the applicant is the holder of a current HMO licence	100% of the principal fee
Where the applicant has a current accreditation through a scheme approved by the local authority which includes an assessment of whether the applicant is fit and proper to be letting houses	100% of the principal fee

4. The additional fees are:

For each house in terms of section 83(1)(b) of the 2004 Act	20% of the principal fee
Where the application is submitted only after the local authority has issued two separate requests for an application to be made	200% of the principal fee

5. The following discounts are those applicable to the figure reached to in paragraph 1(c):

Where the application is made using the internet-based application system and is not entered into that system on behalf of the applicant by the local authority	10%
Where the applicant is a registered charity	80%

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information that a person must provide and make provision for the fees that a person must pay in order to make a valid application for registration or for details of the person's registration to be amended.

The information prescribed is in addition to that prescribed in the 2004 Act and is listed in schedule 1. It will not be available to members of the public.

Regulation 3 introduces Schedule 2 to these Regulations: Schedule 2 sets out the methodology by which the fee for registration in terms of section 83 is to be arrived at.

Regulation 4 prescribes, for the purposes of section 87, the cases where no fee is payable when a change in circumstances is required to be notified. Regulation 4 has the effect of not requiring a fee in any case that may arise requiring such notification except where a landlord adds a house to the list of houses required in terms of section 83(1)(b).

A Regulatory Impact Assessment has been prepared for these Regulations.