

Registration Scheme for Private Landlords

This is an outline of the national registration scheme for private landlords contained within Part 8 of the Antisocial Behaviour Etc. (Scotland) Act 2004. From 31st March 2006, all private landlords letting properties in Scotland must have applied for registration on the register of landlords.

Background

From April 2006 all private landlords and their agents will be required to register with the local authority in which they let property. The purpose of the scheme is to assess whether landlords and their agents are fit to let houses and to give local authorities powers to ensure that landlords who do not act in a 'fit and proper' manner are prevented from letting, unless they are willing to improve their approach. It also gives local authorities powers to take specific action against landlords who do not take reasonable steps to manage any antisocial behaviour caused by their tenants.

Who will need to register?

Any private landlord, or agent who manages property for a private landlord, will need to be registered. Currently, exemptions include houses providing care services, houses managed by religious orders, houses subject to a control order under section 178 of the Housing (Scotland) Act 1987, and houses being used for holiday purposes such as Bed and Breakfast establishments.

What is registered?

Essentially two elements are registered:

- Details of any landlord and of any agent that landlord uses for managing property; and
- The addresses of all the houses let by a landlord

What information will landlords need to provide?

- **Applicant profile**
 - the applicant's name and address
 - the applicant's date of birth (for identification)
 - other names by which the applicant is known
 - previous addresses of the applicant in the last 5 years
 - the identity of any other joint owner of the house (or residential properties) specified in the list; whether that person is a member of the family of the applicant); and which joint owner is designated as lead owner for registration purposes
 - the company registration number if the applicant is a company
 - whether an organisation applying for registration is a charity and if so, its charity registration number

- **House information**
- the address of each residential property that is let in the local authority's area
- the name and address of any agent who is used for the property (or properties) specified
- the contact address in connection with day-to-day management of the property (or properties) specified
- **Judgments and adjudications**
- details of any licence, voluntary accreditation or registration held, refused or revoked in connection with letting residential properties in the UK
- a declaration of relevant convictions that are not spent in relation to specific offences
- a declaration that the applicant complies with relevant housing legislation and other legal requirements relating to his or her lettings
- any court or tribunal judgments against the applicant under equality legislation (i.e. for equal pay, sex discrimination, race discrimination, disability discrimination, employment equality in terms of sexual orientation an religion or belief)

Who will have access to the information?

Where a landlord is found to be fit and proper the Council will add their details to a register. The aggregated list of landlords and agents, contact addresses and properties will form a public register, which will be freely accessible on the [West Lothian on line](#). Access to any additional information, such as relating to convictions, will be restricted to relevant Council employees.

How will landlords register?

Landlords will be able to apply on line at www.landlordregistrationscotland.gov.uk. The information logged will then being automatically passed to the Council. It will also be possible to pay the appropriate fee online. Alternatively, a paper form will be available for those who prefer to fill in their application by hand and submit it directly to the Council. These paper copies will be available through the Customer Service Centres.

How long will registration last?

Registration will last for a period of three years. However, a Council may seek to remove a landlord from the register if new information is received questioning the suitability of the landlord.

How much will registration cost?

The principal fee will be set across Scotland as £55.

Are landlords registered automatically?

No. Local authorities need to be satisfied that each applicant is 'fit and proper' for the purpose of private renting. They will make a balanced judgement taking into account a wide range of information including:

- offences committed by the landlord involving fraud, dishonesty, violence or drugs
- unlawful discrimination with regard to sex, colour, race, ethnic or national origins, or disability
- contravention of any provision of the law relating to housing or landlord and tenant relations
- evidence that a landlord has failed to take action in relation to antisocial behaviour affecting a house they let or manage
- anything else that the Council think is relevant when forming a view if someone is fit and proper

Houses in Multiple Occupancy (HMO)

If you let a house in multiple occupancy, you will have already been found to be 'fit and proper' and will have already paid a licence. Landlords who already have that licence will be 'passported' into registration by the Council without the need to pay a principle fee. Each property for which you have a HMO licence will be included in that register without the need to pay the additional fee. All non-HMO properties owned by you, must be registered and the additional fee paid.

What happens to landlords who do not register?

Failure to register will be an offence liable on summary conviction to a fine not exceeding level five on the standard scale (£5000). An agent who acts for a landlord who is committing an offence in this way will be aiding and abetting a statutory offence and will therefore be liable on conviction to the same penalty.

Moreover, the Council will have the power to serve a notice on a property suspending the tenant's rent payments if the landlord fails to register.

On what grounds may registration be withheld?

- The Council can withhold registration if they determine that the applicant is not a fit and proper person to be acting as a landlord
- They can also withdraw registration if the landlord fails to adequately manage antisocial behaviour in the locality of a let property

What can landlords do to manage antisocial behaviour caused by their tenants?

There are several steps a landlord can take to manage antisocial behaviour. These include:

- Ensuring that neighbours have the landlord's contact details
- Ensuring tenants are aware of their obligations at the outset of a tenancy
- Ensuring lease spells out tenants obligations
- Sending out warning letters when a tenant does not comply with lease
- Liaising with appropriate agencies
- Repossessing the property

What will the Council do if the landlord fails to take reasonable steps?

The Council can serve an Antisocial Behaviour Notice on a landlord if it appears that they are taking no action to manage antisocial behaviour within a let property. This notice would set out specific actions the landlord is required to take to resolve the antisocial behaviour. If the landlord still fails to act the Council can suspend rental payments on the property or seek to take over the management of the property from the landlord. They may also reconsider if the landlord is a fit and proper person.

However, throughout the process the Council will attempt to work constructively with the landlord and the tenant in order to obtain the best possible solution for all involved.