

APPLICATION FOR LANDLORD REGISTRATION **Under the Antisocial Behaviour etc (Scotland) Act 2004**

GUIDANCE NOTES

Background

Landlords letting residential property in Scotland must register with, and be approved as 'fit and proper' by, the local authority in the area of the let property. Landlords letting property in multiple local authority areas must register with each local authority that they let property in.

Registration lasts for three years and a renewal application must be made before an existing registration expires if the landlord is still letting property. Renewal applications can be made within the three months before a registration expires.

Most landlords applying for registration or renewing an existing registration use the online application system at <https://landlordregistrationscotland.gov.uk/>

Paper applications can also be submitted. These notes accompany the paper application. Whether you are applying for the first time or renewing an existing registration please read these notes before you begin.

Exemptions

There are exemptions from the requirement to register, the most common examples are:

- Resident landlords – where a landlord lives in the same property as their tenant(s)
- Letting to a close family member – where a landlord lets a property to their mother, father, sister, brother, son, daughter
- Short-term holiday lets

If you think you may be exempt from the requirement to register please contact the local authority for advice.

Before you begin

The landlord application form will ask for your personal details and information about your let property. This information is required by law from anyone operating as a landlord in Scotland.

The form will also ask you to confirm that you comply with various legal obligations around letting houses in Scotland. If you need further information on what these obligations mean please contact the local authority or visit the online resources for landlords detailed at the end of these notes.

Keeping your registration up to date

As a registered landlord you are required by law to keep your registration up to date. This includes your personal details, including your email address (if you have one) along with details of your let property. You can update your registration at any time by visiting <https://landlordregistrationscotland.gov.uk/> or by contacting the local authority.

GUIDE TO COMPLETION

Question 1 – About your application

Please indicate if this is a new application or whether you are renewing an existing application. If you are renewing an existing application please provide your registration number.

Please indicate if you are applying as an individual or as an organisation.

Question 2a – if you are an individual

Please tell us your full name along with any other names that you have been legally known as.

Please provide your date of birth (dd/mm/yyyy), your email address (if you have one) and a contact telephone number (this number will only be used by the local authority in connection with your registration).

Question 2b – if you are applying on behalf of an organisation

Please tell us the organisation name, your name and your position in the organisation, along with the organisation's Company Registration Number, if it has one.

If this organisation is a registered Scottish Charity please tell us the registration number.

Question 3 – Your address history

You must provide your address history for the last 5 years, for example if you have lived in the same house for the last 6 years this is the only address you have to provide. If you have lived in your current home for the last 2 years and in your previous address for 7 years before that you should include both, starting with your current address.

If you are applying on behalf of an organisation you should provide the business address, again for the previous 5 years.

Question 4 – The Tolerable and Repairing Standard

The Tolerable Standard is a basic level of repair your property must meet to ensure it is fit for a person to live in. The Repairing Standard is a basic level of repair that all privately rented properties must meet.

Please indicate that you have read and understood your obligations under these standards.

Your obligations

This series of questions will ask you about the various obligations and standards involved in letting residential property in Scotland.

Question 5 – Gas Safe certificate

Where a let property uses a gas supply it must be covered by a yearly Gas Safe certificate. This certificate is issued by a registered Gas Safe engineer.

Please answer Yes or No to this question, answering Not Applicable would only be appropriate if your let property does not have a gas supply or if you do not have a let property.

Question 6 – Electrical Safety

All let properties must have a current Electrical Installation Condition Report (EICR) or a current Electrical Installation Certificate (EIC) at the time of let. An EIC certificate is appropriate if the electrical installation is less than 5 years old, an EICR certificate must be renewed at least every 5 years if it is more than 5 years since the electrical installation or when a change of tenancy occurs.

EICR and EIC certificates can be issued by a suitably qualified electrician.

Question 7 – Electrical appliance testing

In any let property where you supply electrical appliances, portable appliance testing (PAT) must be carried out annually by a suitably qualified electrician.

Answering Not Applicable would be appropriate if you do not supply electrical appliances in your let properties or if you do not have a let property.

Question 8 – Fire, smoke and heat detection

As a landlord it is your responsibility to comply with the repairing standard concerning fire, smoke and heat alarms. In order to comply there should be at least:

- one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes (normally the living room/lounge),
- one functioning smoke alarm in every circulation space on each storey, such as hallways and landings, or in main room if no landing in upper storey
- one heat alarm in every kitchen,
- all alarms should be ceiling mounted, and
- all alarms should be interlinked

Please note: the 'Not Applicable' option would only be appropriate if you have no let properties.

Question 9 – Carbon monoxide detection

Private landlords have an obligation to ensure that a detection system is installed in all properties you rent where there is:

- a fixed combustion appliance (excluding an appliance used solely for cooking), or
- a fixed combustion appliance in an inter-connected space, for example, an integral garage
- a combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) – the CO detector should be sited outside the room as close to the appliance as possible

Question 10 – Private water supply

As a landlord in Scotland you will likely find that most of your properties are supplied by Scottish Water. Approximately 3% of the Scottish population uses a private water supply for drinking water.

There is an additional question for let properties that are not supplied by Scottish Water.

Question 10a – Private water supply (continued)

This question is only appropriate if your let property has a private water supply (not supplied by Scottish Water).

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 came into force in October 2017 and is intended to ensure the provision of clean, safe drinking water and to deliver significant health benefits to those using private water supplies.

Question 11 – Energy performance

Energy Performance Certificates (EPCs) provide information on how energy efficient your building is, and how it could be improved. Buildings are rated on a scale from A to G, with A being the most efficient. Information is also provided on measures which could be made to improve the energy efficiency and an indication of the cost for each improvement.

Landlords must have a current Energy Performance Certificate for their let properties, a copy of this must be given to new tenants at any change of tenancy and the EPC rated must be included in any advert for a rental property.

Question 12 – Legionella risk assessment

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All water systems can provide an environment where Legionella may grow.

The landlord has a duty to ensure legionella risk assessment is carried out on their properties. This is to help guard their tenants against any risk of getting the illness from contaminated water. More information on Legionella is available from the Health and Safety Executive (HSE).

Question 13 – Rental property insurance

If renting out a tenement or flat within Scotland you will be responsible for obtaining insurance cover for the reinstatement value of your of the tenement building/ block.

This rule came in to effect in 2004 via the Tenement (Scotland) Act 2004.

Question 14 – Common repair obligations

As a landlord you are responsible for repairing common areas, for example;

- the ground (solum) on which your building stands (but not always the garden)
- the foundations
- the external walls – but individual owners are responsible for the part of these walls that lies in their flat
- the roof (including the rafters)
- other structural parts of the building such as beams, columns and load bearing walls
- the close and stairs (when they are not mutual)
- staircases in blocks of flats.

Question 15 – Tenancy deposits

If you take a deposit from a tenant you must lodge it with one of the three government-backed tenancy deposit schemes:

- Letting Protection Service Scotland
- Safe Deposits Scotland
- My Deposits Scotland

The deposit must be lodged within 30 days of being received.

Question 16 – Convictions and judgements

As part of the approval process, local authorities must be satisfied that a person applying to be a private landlord in Scotland is 'fit and proper' to be letting residential properties. Landlords applying for registration must declare any unspent criminal convictions and spent convictions if not protected.

Landlords must also declare any court judgements or tribunal decisions relating to housing, discrimination or equality.

Question 17 – Antisocial Behaviour Orders (ASBOs)

Question 18 – Antisocial Behaviour Notices (ASBNs)

Similar to the questions on convictions and judgements, landlords must declare any Antisocial Behaviours Orders or Antisocial Behaviour Notices served on them or their tenants.

Question 19 – Licences, registration and accreditations

Landlords should declare any licences, registrations or accreditations relating to housing. Landlords must also declare any negative decisions relating to licences, registration or accreditations.

Question 20 – About your rental property

Please use this section to provide details about your rental property. If you have more than one rental property please use the additional properties sheet.

You should tell us about any joint owners, Houses of Multiple Occupation (HMO) properties *, any Repairing Standard Enforcement Orders (RSEO) on the let property and details of your letting agent** if you have one.

If the joint ownership details are complicated please tell us separately about this.

* A House of Multiple Occupation (HMO) is a house where:

- at least 3 or more unrelated people live in the same property, and
- they share a kitchen, bathroom or toilet

HMOs must be licensed in their own right, if you think your property is an HMO and you don't have a licence please contact us.

** Agents: All owners of let properties must register and declare anyone who acts for them in relation to their letting.

An agent may be:

- a commercial agency
- a letting agency
- a property management agency
- an estate agency
- a charity
- someone who manages the property on your behalf
- a representative of an organisation, for example a factor, a trust or a company

From the 1 October 2018 a paid letting agent must be registered on the **Scottish Letting Agent Register** and adhere to the Letting Agent Code of Practice. For further information can be found at the following website:
<http://renting.org/landlords/using-letting-agent>

Unregistered agent fee: If someone manages your property for you without payment, their details must be noted on your registration. You will be charged £66, unless they already have their own separate registration.

Question 21 – The Public Register

Registered landlords and their let property will be displayed on the public search at <https://landlordregistrationscotland.gov.uk/>

This search facility enables tenants and neighbours to confirm a landlord or a property is registered.

It can also be used to obtain the contact details (address) of the landlord of a specific property. Landlords can opt to use their home address, the address of their agent or another relevant address. It is important that landlords do not use the address of the let property as their contact address.

Declaration

Landlords are required to complete the declaration and sign their application for registration, important information is contained within the declaration.

Additional Information

The following information is useful to existing and new landlords.

Joint Owners

A landlord must declare any joint owners on their application. All joint owners must also apply to register separately, and renew registrations, in their own right.

The lead owner will pay the appropriate fee and applications from the other joint owners are typically free of charge.

Fees

The fees incurred in Landlord Registration are typically:

- Principal Fee: £66.00
- Where a landlord lets property in more than one local authority area and uses the online application process this fee is discounted to £33
- Property Fee: £15.00 per let property
- Late Application Fee: £132.00

*Please note that fees will increase each financial year – check with East Lothian Council prior to submitting any cheque/postal order.

Houses in Multiple Occupation (HMO) will typically attract a 100% discount on the principal and property fee, but only for the property that is covered by the HMO licence (additional non-HMO properties will be charged).

Registered Scottish Charities attract 100% discount.

Your registration

Once approved, a landlord is required by law to keep their registration details up to date, including their contact address.

Renewal Reminders

Renewal reminders are typically issued by email, where an email address is held or otherwise by letter, and sent at 90 days and 30 days before a registration expires. Failure to renew will result in a Late Application Fee so landlords should manage their junk and spam email folders to ensure reminders are not missed. This also applies to joint owners.

Payment to accompany an application for registration

Payment can be made, by cheque, payable to East Lothian Council.

Assistance for landlords

Local authority Landlord Registration teams are here to help landlords meet their obligations and provide quality accommodation to meet Scotland's housing needs.

For advice or assistance please contact:

landlordregistration@eastlothian.gov.uk or telephone **01620 820623** or visit John Muir House, Brewery Park, Haddington, EH41 3HA.

Online resources for further information

There are a variety of online resources available for landlords, here is a selection of useful web-sites:

- **Scottish Government – being a landlord in Scotland**
www.mygov.scot/housing-local-services/landlords-letting/being-a-landlord/
- **Shelter Scotland – Information for landlords**
scotland.shelter.org.uk/get_advice/advice_topics/information_for_landlords
- **Renting Scotland – Information for landlords**
rentingscotland.org/landlords/