LANDLORD REGISTRATION – FREQUENTLY ASKED QUESTIONS

What is private landlord registration?

All private landlords, unless exempt, must apply for registration with their local authority, under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.
The main aim of registration is to make sure that all private landlords in Scotland are 'fit and proper' to let property and that the property meets the required standards. For more details regarding those standards, the Private Rented Housing Panel has been incorporated into the Housing and Property Chamber First-Tier Tribunal for Scotland and further information may be found at **www.mygov.scot/renting-your-property-out/** or **www.housingandpropertychamber.scot/**

Registration will help local authorities to ensure that landlords comply with legislation and meet the required standards.
Registered landlords will be fully compliant with legislation and will not be prosecuted for failure to register.

I am a landlord letting private rented property. Should I register?

You will have to register if you are a private landlord letting residential property in Scotland unless all the houses you let are covered by one or more exemptions.
Some examples of exemptions are:

- If you only have one lodger living with you in your home. If you have 2 or more lodgers living with you then you will require an HMO licence and will then require to be registered but without being charged a registration fee for yourself or the HMO property. The HMO licence fee will be all you pay unless you also let non-HMO properties for which there will be a fee of £18 per property.
- If you let to a family member
- If the property is only used as a holiday let
- If you let the property as part of an agricultural or crofting tenancy and it is occupied by that tenant (however other properties let as part of the tenancy which are then sub-let to a 3rd party will need to be registered).

There are some other exemptions. Full details of all exemptions are posted here **www.landlordregistrationscotland.gov.uk**

Further information on landlord registration across Scotland is available from the MyGov.Scot website: **www.mygov.scot/renting-your-property-out/** or the Renting Scotland website : **www.rentingscotland.org/**

What does 'fit and proper' mean?

To be registered, landlords must be 'fit and proper' to let residential property. For information on good practice in residential letting, please visit**: www.gov.scot/policies/private-renting/regulation/**

When making a decision on whether you are 'fit and proper', we will look in particular at any evidence of:

- Fraud, dishonesty, firearms offences, violence or drugs offences
- Unlawful discrimination
- Breaches of any law relating to housing
- Failure to act in relation to antisocial behaviour
- Firearms offences
- Sexual offences
- Repairing standard enforcement orders

What if the council decides I'm not 'fit and proper'?

Your application will be referred to the Highland Licencing Committee for a hearing. Full details of the landlord registration hearings procedure can be found here - **http://www.highland.gov.uk/downloads/file/15842/landlord_registration_hearings_procedure**

It is an offence to let a property if you have not submitted a valid application. If a valid application (all the required information has been provided and the correct fee has been paid) has been submitted, you are entitled to let your property until your application has been determined but must display the application number beginning with HIG- on any advertisements for let.

I am a Landlord when do I need to register?

You must apply to register before advertising the property and display the application number beginning HIG- on the advertisement, and your application must be approved before letting your property.

What if I am still living in the house I wish to let out?

Landlords are required to display their registration number or application number stating "application pending" (along with the property EPC rating) when advertising the property to let. Therefore, if your home address is the rental property address because you still live in the property, you are required to apply to register.
You must however update your home address as soon as you move out of the rental property. **Your application will not be approved unless your home address is different from the rental property address**.

When can I start letting my property?

You can start letting your property once your application has been approved and you have received your registration number.

I am a Landlord what happens if I don't register?

It is an offence to let or advertise for let any property without either applying for or being registered. The ultimate sanction is the owner(s) being reported to the Procurator Fiscal, getting a criminal record and being fined up to a maximum £50,000 fine for operating as an unregistered landlord.

I am an agent managing private rented property. Do I need to register?

Commercial letting/managing agents must be registered on the Scottish Letting Agent Register. Further information can be found on the Letting Agent Register website at **https://lettingagentregistration.gov.scot/**

How do I register?

You can apply to register at **www.landlordregistrationscotland.gov.uk** or by downloading a paper application form here **www.highland.gov.uk/downloads/download/333/private_landlords**

Which local authority should I register with?

You must register with each local authority in whose area you let property. If you own properties in more than one area, you will be able to apply to register in all authorities in one online application, and this may reduce the total fee that you will have to pay provided you apply online.

How does it work if I jointly own a property with someone else?

Every owner of a property must apply to register. You nominate one of the owners as the 'lead owner', this will be the lead landlord for your registrations. The lead owner will pay the full principal fees with the other joint owners being given a 100% discount on the principal fees. However, any owner who fails to submit an application or renewal prior to the expiry date of their registration will be charged the additional late application fee of £160.
It is very important for all joint owners to apply to register as your applications cannot be approved otherwise. Each owner of the property will have their own unique registration which is connected to the other owners through the jointly owned property.

I have an HMO licence. Do I still need to register?

If you let a property with a House in Multiple Occupation (HMO) licence, you will have already been found to be ‘fit and proper’. You and your properties will still need to be registered. You will not need to pay the principal application fees. If you also let other properties which are not HMOs, these must also be registered and a fee of £18 per property will be required.

What information will I need to provide on applying?

- Your name, home and correspondence address, date of birth and any other names you are/have been known by.
- The addresses of all the rental properties you let.
- The name and address of any agent you use and their registration number.
- Contact address for the property which will show on the public search facility.
- Your contact details, e.g. phone number, email address.
- Information on any convictions (unspent and spent convictions, unless protected spent convictions) or court or tribunal judgements.
- By submitting an application for registration, either online or by paper form, you are confirming that the details provided are correct and that you comply with all other Scottish legal requirements (**https://www.mygov.scot/renting-your-property-out/your-responsibilities/**) relating to letting property

What convictions will I need to declare?

(a) Requirement to disclose spent convictions:
By virtue of the Article 4 and Schedule 3 of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 SSI 2013/50, you are required to disclose spent convictions in your application for landlord registration.
This information will be used by the Council to assess whether you are a 'fit and proper' person to let residential property and to determine whether you should be entered in or removed from the register of private landlords maintained by the Council under section 82(1) of the Antisocial Behaviour (Scotland) Act 2004.
Please note that you are not required to disclose spent convictions which are "protected convictions" within the meaning of Article 2A of the 2013 Order. You can find information on what these are on website
www.highland.gov.uk/downloads/file/15823/spent_convictions_and_protected_convictions

Meaning of "discrimination legislation":
- The Equal Pay Act 1970 (c.41)
- The Sex Discrimination Act 1975 (c.65)
- The Race Relations Act 1976 (c.74)
- The Disability Discrimination Act 1995 (c.50)
- The Equality Act 2010 (c.15)
- The Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661)
- the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660)
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006
- the Equality Act (Sexual Orientation) Regulations 2007
- the Equality Act 2010

If you are unsure whether you need to declare a conviction or a court or tribunal judgment against you, it is strongly recommended that you take legal advice.

(b) A Repairing Standard Enforcement Order made under s24 (2) of the Housing Scotland) Act 2006.

(c) An Antisocial Behaviour Order (ASBO), or interim order, within the meaning of Part 2 of the Antisocial Behaviour etc. (Scotland) Act 2004 served on you, or a tenant residing at any of your properties.

(d) An Antisocial Behaviour Notice (ASBN), within the meaning of Part 7 of the Antisocial Behaviour etc. (Scotland) Act 2004 served on you or any of your properties.

What are my legal requirements as a landlord?

Information about your legal requirements as a landlord is available at the following organisations and websites.

Scottish Government**: https://www.mygov.scot/renting-your-property-out/your-responsibilities/**

Renting Scotland: **www.rentingscotland.org/landlords-guide**

Housing and Property Chamber First-tier Tribunal for Scotland (formerly the Private Rented Housing Panel): **www.housingandpropertychamber.scot/**

Scottish Government: **www.gov.scot/policies/private-renting/regulation/**

I am a Landlord where can I obtain advice or training?

Training about letting property is available from the following organisations and websites:

Landlord Accreditation Scotland website: **www.landlordaccreditationscotland.com/**

Scottish Association of Landlords: **www.scottishlandlords.com/**

Renting Scotland: **www.rentingscotland.org/landlords-guide**

How much will it cost?

From 1st April 2024 the fee for landlord registration is £80. The fee to register a property is £18 per property. This is for a 3 year registration and you will need to renew the registration if you are still letting property after that time.
If you are not sure how much you should pay, you can use our online fee calculator, available on our website
https://self.highland.gov.uk/service/Landlord_registration_fee_calculator

If a valid application has not been submitted after two requests from the local authority an additional late application fee of £160, in addition to any principal application fees due, will be applied to each applicant, lead or joint. Failure to apply after this point will result in the local authority serving a rent penalty notice which means that no rent shall be payable until a valid application has been submitted and the notice has been revoked. If a valid application has still not been submitted, the ultimate sanction is a report to the Procurator Fiscal, a criminal conviction and a maximum fine of up to £50,000.

Who has access to the information on the landlord register?

There is a public search facility of the register on the landlord registration website. By entering any landlord's registration number you can see whether that person is registered. By

entering any let property address you can see the names of all owners, agent's name if declared, and the contact address for the landlord or agent of that property.

What happens after I am registered?

Once your registration is approved, it will be valid for three years from the approval date. You will receive an approval letter, electronically if you have provided an email address or by post if no email address has been provided, confirming your registration details. The approval letter is the most important document you will receive as it is proof you hold a valid registration. It must be filed in a safe place for future reference and please note the expiry date of the registration.
The registration number is purely a reference number and NOT proof of a valid registration. In accordance with the legislation for the regulation of private landlords under the Antisocial Behaviour etc (Scotland) Act 2004 all landlords have a legal obligation and responsibility to maintain their registration details and keep them current at all times.

What should I do if my circumstances change?

You must notify the Local Authority (in writing or by email using the details below) of any change in circumstance (e.g. change of address, adding or deleting properties, no longer operating as a landlord). Failure to do so is an offence under the Act.

It is the Local Authority's legal obligation to maintain the Register and to provide advice and assistance relevant to the registration scheme. It is not the Local Authority's responsibility to ensure that the landlords' registration details are up-to-date.

How do I re-apply for registration when my 3 years is nearing the end?

If you applied online and registered your email address you will receive an email 12 weeks before your expiry date reminding you to renew your registration. Applying up to 3 months prior to the expiry date will not decrease the registration period as the new 3 year period will only start after the expiry date. If you do not apply after the first renewal reminder, a second reminder will be sent 4 weeks prior to the expiry date. If you did not apply online or you have not declared an email address you will receive the reminders by letter. You should keep your current contact details up-to-date by either amending them online yourself or notifying the Local Authority in writing by email or letter.

Failure to renew your registration after the expiry date will incur the additional late application fee of £160 for each owner, lead or joint.

You can renew your registration by simply logging onto the Landlord Registration Scotland website: **www.landlordregistrationscotland.gov.uk/** to access your current registration, ensuring that all your registration details are up-to-date and paying the appropriate fee.

Please do not create a new registration.

It is your responsibility to register and re-register. Failure to do this **may result in a penalty.**

If you need help or further information on the renewal process please look here **www.landlordregistrationscotland.gov.uk/ or** contact the Landlord Registration Team, The Highland Council, Council Offices, High Street, Dingwall, IV15 9QN on 01349 868525 or email landlord.registration@highland.gov.uk