

FOCUS ON: REGISTRATION

Private Landlord Registration in Scotland



By 30th April 2006, all private landlords letting properties in Scotland must have applied or be in the process of applying for registration on the register of landlords.

This special supplement in Inside Letting will answer some of the questions you might have about registration and what you need to do next.

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By 30th April 2006, all private landlords letting properties in Scotland must have registered or be in the process of applying to register on the national Register of Landlords.

Registration aims to ensure that all private landlords in Scotland are “fit and proper” to be letting residential property. Registration will help local authorities to remove disreputable landlords from the market and protect tenants and their neighbours from the impact of antisocial behaviour and mismanaged property in the wider community.

John Blackwood, Director of the Scottish Association of Landlords (SAL), and an advocate for a fair, consistent approach to registration highlights that “the principal of this register is to force bad landlords to use a reputable agency or take themselves out of the rental market. This can only be good news for the majority of landlords who provide an excellent service for their tenants and make an important contribution to housing. Those who exploit poor or vulnerable tenants, or take no action on anti-social behaviour damage the reputation of private letting.”

The City of Edinburgh Council have worked closely with various organisations including SAL to ensure that private landlords and letting agents have been consulted and informed on the emerging registration scheme and how it might work in Edinburgh.

This pull out provides further detailed information on how the registration process will work in practice and also answers many of the questions which have been frequently raised by landlords and agents.



HOW MUCH WILL REGISTRATION COST ME?

This section aims to give you an indication of the various costs and discounts which may be applicable depending on your circumstances. This guide does not provide a detailed list of examples, but it does provide a taste of some of the costs relating to a few different scenarios.

The circumstances of each landlord will vary so it is important that you recognise that this is a basic guide only and costs will vary in accordance with your circumstances.

If you would like more detailed information before making your application, please refer to the website (www.landlordregistration.gov.uk) for more detailed examples, or contact the City of Edinburgh Council on 0131 469 5293 or 0800 085 4667.

The basic tariff for registration is straight forward.

It costs £55 to register and £11 for every property that you let.

You will be entitled to a 10% discount if you register your properties online. This will reduce your fee to:

£49.50 to register and £9.90 for every property

If you let out both HMO and non-HMO properties, then you will only be charged £11 for your non-HMO properties.



HMO LICENCE HOLDERS

If you let out a property which has a current HMO licence then you do not have to pay a registration fee for this property. This is because you have already been deemed fit and proper to let residential property, so there is no need for the local authority to determine this again.

If you let out both HMO and non-HMO properties, then you will only be charged £11 for your non-HMO properties.

Got to
www.landlordregistrationscotland.gov.uk
or request an application form from 0131 469 5293 or 0800 085 4667.

a 10% discount is applied to all online applications

Complete registration form

Choose payment option (by debit card or request an invoice)

Reply to any queries from the City of Edinburgh Council

Check printed application details received from the City of Edinburgh Council, sign declaration if correct, return to the Council

The City of Edinburgh Council will process application and notify you of the outcome

Log onto www.landlordregistrationscotland.gov.uk when changes occur to keep registration details up to date

3 years later ... renew registration

FREQUENTLY ASKED QUESTIONS



What information will appear on the public register?

Three pieces of information will appear on the public register:

- The landlords name
- The address of the single property that is searched for (if applicable)
- A contact address for the landlord

The public register will not list telephone numbers or all of the properties owned by the landlord or managed by the agent.

Will the data from registration be made commercially available?

The information will only be available to people making a legitimate search. It will not be made available for commercial purposes.

What contact address will appear to on the register when other people search the database?

You can decide what contact address to use. If you use an agent you can use the agents address as the contact address.

Can agents fill in the forms or the online application for landlords they represent?

Agents can complete the registration application for landlords they represent, however, the landlord must sign the declaration on the paper form or the declaration that is sent to all landlord after the online application has been submitted.

Can I give my work address, agents details, or a PO Box as my contact details?

You can use any address that you can easily and quickly be contacted from.

How long does registration last for?

Registration lasts for three years.

However, if your circumstances change (you buy/sell properties or use a new/different agent) you must update the register. There will be a charge for some changes to the register. It is an offence not to supply the correct/current information.

How much will it cost me to change my details

- If I sell a property? - there will be no charge if you sell a property.
- Buy another property? - there will be a single property charge if you buy a property (unless the property is exempt).
- Change agent? - there will be an additional principle fee if you change agents (unless the agent is already registered).

Change ownership arrangements of the property (e.g. become a joint owner) There will be an additional principle fee if the property moves to joint ownership (unless a discount applies).

How long do I get to inform you of changes in my details?

You should change your contact details as soon as you reasonably can. Each local authority will look at each case on an individual basis.

Who has to be registered when the property is owned by a trust, limited company, charity?

The organisation and a lead person has to register. The lead person should be the person with day to day management responsibility for the properties.

If an agent is used the company and the agent have to be registered.

This is a very complex area and you should contact Bruce Binnie on 0131 469 5293 for further information.

Is the fee tax deductible?

Yes – speak to your financial advisor for further information

Do I have to register as an agent if I am registered as a landlord?

If you act as a landlord and letting agent as the same legal identity you will only have to register once. If you act as a landlord and letting agent but with different legal identities. You may have to register both legal identities. You should contact Bruce Binnie for further guidance on this matter.

What happens if I fail the fit and proper person test?

Anyone that fails the fit and proper person test can appeal against the decision. Local authorities will work with every landlord /agent that fails the “fit and proper” person test. The applicant will be given the opportunity to take remedial action and pass the test.

If I fail the fit and proper person test can I use an agent?

Yes. The agent must pass the “fit and proper” person test. The local authority will check the management agreement that is used to ensure that anyone that fails the “fit and proper” person test does not manage properties.

When can I consider myself registered?

You have applied for registration once you have submitted the application on line and paid any registration fee. You will be registered once you have signed and returned the form sent to you by the local authority and the local authority has passed you through the “fit and proper” person test.

Can I charge rent if I am not registered?

You cannot charge rent if you are not registered or have not applied to be registered.

I am an Accredited Landlord – do I still have to register?

Yes. Edinburgh Landlord Accreditation does not involve the “fit and proper” test, so you will still need to register even if you are an accredited landlord.

How will unregistered landlords be identified?

There will be a national advertising campaign aimed at landlords once the online application is available. Local authorities have leaflets to distribute to all landlords and letting agents.

A second advertising campaign will be aimed at tenants once registration has been in force for a few months.



Contact us:

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