



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

Consequences of refusal or removal

42 Note on register where refusal or removal

- (1) Where the Scottish Ministers refuse to enter a person in the register or to renew a person's existing entry in the register under section 32, they must, after the date of final refusal, note that fact in the register.
- (2) Where the Scottish Ministers remove a person from the register under section 39 they must, after the date of final refusal, note that fact in the register.
- (3) For the purposes of this section the date of final refusal is the later of the date on which—
 - (a) the period mentioned in section 41(2) expires without an appeal being made,
 - (b) where such an appeal has been made, the appeal is finally determined or abandoned.
- (4) Where a fact is noted by virtue of subsection (1) or (2) it must—
 - (a) remain on the register for the period of 12 months beginning with the date on which the Scottish Ministers are required to note it in the register, and
 - (b) be removed from the register at the end of that period.
- (5) But where a person in respect of whom the Scottish Ministers note a fact by virtue of subsection (1) or (2) is subsequently entered in the register before the end of the period mentioned in subsection (4)(a), the Scottish Ministers must remove the fact from the register.

43 No payment for letting agency work where refusal or removal

- (1) This section applies where the Scottish Ministers—
 - (a) refuse to enter a person in the register or to renew the person's existing entry in the register under section 32,

Status: This is the original version (as it was originally enacted).

- (b) remove a person from the register under section 38,
 - (c) remove a person from the register under section 39,
 - (d) remove a person from the register under section 40.
- (2) After the relevant date—
- (a) no costs incurred by the person in respect of letting agency work are recoverable,
 - (b) no charge imposed by the person which relates to letting agency work in a period after the relevant date is recoverable.
- (3) Subsection (2)(a) does not apply in relation to costs incurred before the relevant date in a case where the person is removed from the register under section 38 or 40.
- (4) The Scottish Ministers must, as soon as practicable after the relevant date, publish in such manner as they think fit a notice of—
- (a) the refusal or removal mentioned in subsection (1),
 - (b) the relevant date, and
 - (c) the effect of subsection (2).
- (5) For the purposes of this section, the relevant date—
- (a) in the case of a refusal or removal mentioned in subsection (1)(a) or (c), is the later of the date on which—
 - (i) the period mentioned in section 41(2) expires without an appeal being made,
 - (ii) where such an appeal has been made, the appeal is finally determined or abandoned, and
 - (b) in the case of a removal mentioned in subsection (1)(b) or (d), is the day after the day on which the person is removed from the register.