

EXECUTIVE NOTE

The Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2006 SSI/2006/28

Background

The Private Landlord Registration (Information and Fees)(Scotland) Amendment Regulations 2006 were made in exercise of powers conferred by section 83(3) of the Antisocial Behaviour etc. (Scotland) Act 2004^(a) ('the 2004 Act'). The instrument is subject to negative resolution procedure.

Purpose and policy objectives

The purpose of the instrument is to make amendments to the Private Landlord Registration (Information and Fees)(Scotland) Regulations 2005^(b) (the 'principal Regulations').

The possibility of further regulation was made clear by the Deputy Minister for Communities in discussion at the Communities Committee meeting on 7 December, from column 2682 onwards in the official report.

The amending Regulations are necessary to set a standard "principal fee" for all local authorities. The new standard fee is supported by CoSLA.

In amending the principal Regulations, the opportunity was taken to make a desirable improvement suggested by the Subordinate Legislation Committee, and three minor improvements to the Regulations.

The amending Regulations makes the following amendments to the principal Regulations:

- (a) a standard principal fee of £55 replaces the mechanism for calculating the principal fee set out at paragraph 2 of Schedule 2 to the principal Regulations;
- (b) adjusting the method for determining any additional fees according to the nature and circumstances of the application;
- (c) an improvement suggested by the Subordinate Legislation Committee to change "declared" to "specified" in the entry at paragraph 3 of Schedule 2;
- (d) a definition of 'HMO licence' is introduced to the principal Regulations as the term was previously unreferenced.

These changes will provide consistency of approach to fees across all local authorities. The fixing of £55 as the principal fee in place of a locally determined fee is supported by CoSLA, in view of the difficulty of estimating local authority costs that has become plain since the principal Regulations were made. The resulting uniformity of fee structure across Scotland will be of assistance to local authorities in promoting registration, and remove doubt for landlords. In the general consultation that preceded the making of the principal Regulations, landlord and agent organisations generally preferred a standard fee because of the consistency it would bring.

^a 2004 asp 8.

^b S.S.I. 2005/558.

The amendments to the additional fees have the effect of exempting HMO licensed properties and local authority accredited properties (under suitable schemes) from the requirement to pay the 'additional fee' for each of those properties. The instrument therefore achieves the aim of ensuring that those landlords who have already demonstrated to the local authority that they are 'fit and proper' to be letting houses are not required to pay once again for this assessment.

Financial Effects

The amending instrument will have no financial effect on the Scottish Executive, local government and business. The financial impact of the principal Regulations was previously described in the Regulatory Impact Assessment which accompanied the Executive Note of 10 November 2005 on the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005.

Scottish Executive Development Department
25 January 2006