

2008 No. 403

HOUSING

LOCAL GOVERNMENT

**The Private Landlord Registration (Information and Fees)
(Scotland) Amendment Regulations 2008**

<i>Made</i> - - - -	<i>3rd December 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>4th December 2008</i>
<i>Coming into force</i> - -	<i>12th February 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 83(3) and 87(4) of the Antisocial Behaviour etc. (Scotland) Act 2004(a) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2008 and come into force on 12th February 2009.

Amendment of the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005

2.—(1) The Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005(b) are amended as follows.

(2) In regulation 4(2) for the words after “the fee shall be” substitute “the property fee described in paragraph 1(b) of Schedule 2, subject to any exemption applicable in terms of paragraphs 2 to 4 of that Schedule and less any discount applicable in terms of paragraph 9 of that Schedule.”.

(3) For Schedule 2 substitute—

“SCHEDULE 2

Regulations 1, 3 and 4

FEES FOR REGISTRATION

Fees

1. Subject to the following paragraphs of this Schedule, the fee charged for registration under section 83 of the 2004 Act comprises—

(a) 2004 asp 8.

(b) S.S.I. 2005/558, amended by S.S.I. 2006/28.

- (a) a principal fee of £55 (“the principal fee”);
- (b) a property fee of £11 for each house in terms of section 83(1)(b) of the 2004 Act (“the property fee”); and
- (c) where the applicant has specified another person under section 83(1)(c) of the 2004 Act, a fee of £55 (“the agent fee”), in addition to the principal fee.

Exemptions - principal and property fees

2. Where the application is submitted by a body entered in the Scottish Charity Register, kept under section 3 of the Charities and Trustee Investment (Scotland) Act 2005(a), no principal fee or property fee is due.

3. Where the application is submitted by a person who is the holder of a current HMO licence issued by the authority to which the application is submitted, no principal fee is due and no property fee is due in respect of any house which is included in that licence.

4. Where the application is submitted by a joint owner of the house, who is not the lead owner of it, no principal fee or property fee is due.

Discounts - principal fee

5. An applicant who requires to pay the principal fee may claim either (but not both) of the following discounts:

- (a) where an application is made to more than one local authority at the same time, using the internet-based application system, 50% of the principal fee in each case; or
- (b) where an application is made to a local authority, using the internet-based application system, and the applicant is currently registered by another local authority, or has submitted an application to another local authority and has not been notified of a decision on it, 50% of the principal fee.

Exemptions - agent fee

6. The agent fee shall not be due if the specified person—

- (a) is already registered under section 84 of that Act by the local authority to which the application is submitted;
- (b) has made a valid application under section 83 of that Act to be so registered by that authority;
- (c) would be exempt, as provided by paragraph 2 or 3, from payment of a principal fee if that person were the applicant; or
- (d) is a local authority or a body registered as a social landlord in terms of section 57 of the Housing (Scotland) Act 2001(b).

Discounts - agent fee

7. An applicant who requires to pay the agent fee may claim either (but not both) of the following discounts—

- (a) where the specified person acts for the applicant in respect of houses in more than one local authority area, and the application is made to more than one local authority at the same time, using the internet-based application system, 50% of the agent fee in each case, or

(a) 2005 asp 10.
(b) 2001 asp 10.

- (b) where the specified person is registered by a local authority other than that to which the application is submitted, or has submitted an application to such a local authority and has not been notified of a decision on it, 50% of the agent fee.

Additional fee

8. Where the application is submitted only after the local authority has issued two separate requests for an application to be made, an additional fee of £110 is payable (“the additional fee”).

Internet applications - further discount

9. Where the applicant submits the application using the internet-based application system, the total fee charged (after any discounts and exemptions) shall be reduced by 10%, but no such discount shall be given in respect of any additional fee charged in pursuance of paragraph 8.”.

St Andrew’s House,
Edinburgh
3rd December 2008

S MAXWELL
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005 (S.S.I. 2005/558) (the 2005 Regulations).

Regulation 2(3) introduces a revised Schedule 2, which takes into account all amendments made to date to the 2005 regulations, as well as making some stylistic adjustments. All further references in this Explanatory Note are to the revised Schedule 2 as substituted by these Regulations.

Three possible fees are payable in terms of paragraph 1, and paragraph 8 provides for a further fee. The principal fee remains £55, to which must be added the sum of £11 for each additional property, and £55 where an agent is specified.

Exemptions and discounts may be claimed.

Paragraph 2 makes charities exempt from the principal and property fees, but if they delay submitting their application until two requests to do so have been issued by the local authority, they require to pay an additional fee of £110 in the same way as any other late applicants.

Paragraph 3 exempts persons who hold an HMO licence with the authority to which the applications is made from paying a principal fee. A property fee will be payable only in respect of properties not licensed as an HMO.

Paragraph 4 makes joint owners, which include unincorporated trusts, exempt from the principal and property fees. However, this does not apply to the lead owner, as defined in the 2005 Regulations.

Applications by landlords who are currently registered or are seeking registration in another local authority area attract a discount of 50%, in terms of paragraph 5. This also applies to simultaneous applications to more than one authority using the internet-based application system.

Paragraphs 6 and 7 make similar provision in respect of the fees payable where the applicant specifies an agent to act on their behalf, whose fitness also requires to be assessed.

Paragraph 8 makes an additional fee payable when an application is submitted only after two requests to do so have been issued by the local authority.

Use of the internet-based application system is further encouraged by the discounts provided for in paragraphs 7(a) and 9.

A Regulatory Impact Assessment has been prepared covering these Regulations.

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