POLICY NOTE

THE PRIVATE LANDLORD REGISTRATION (INFORMATION) (SCOTLAND) REGULATIONS 2019

SSI 2019/195

The above instrument was made in exercise of the powers conferred by sections 83(1)(d) and 141(2)(b) of the Antisocial Behaviour etc. (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument. This instrument expands the prescribed information that must be provided in an application for landlord registration. The instrument will require landlords to confirm whether they comply with existing duties in relation to property condition and management standards. The overarching aim to improve standards in the private rented sector.

Policy Objectives

The Antisocial Behaviour etc. (Scotland) Act 2004 ("the 2004 Act") makes provision for private landlords to apply to the relevant local authority for entry on the register of landlords. Applicants must provide the prescribed information.

Despite the current registration process, the available evidence, including for example in relation to property condition and tenancy deposit protection, shows that some private landlords continue to let houses without meeting their legal obligations.

The policy broadens the prescribed information, requiring applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition.

The policy aims to:

- raise awareness about landlord responsibilities;
- identify where further advice or support may be required;
- ensure that local authorities have more information on which to carry out the fit and proper person test; and
- improve confidence that anyone who is approved and entered onto the register is a suitable person to let houses.

The overarching objective is to make better use of the landlord registration process to contribute towards raising housing standards in the Private Rented Sector to provide good quality housing for all tenants.

Consultation

A full public consultation ran for 12 weeks from 15 March to 7 June 2018, supported by a series of stakeholder events held across Scotland. Consultation responses were received from a range of stakeholders, including housing associations and local authorities; lettings and professional organisations; tenant, resident and landlord representative organisations; individuals and those with an interest in property condition and safety.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. It includes Shelter Scotland; Scottish Association of Landlords & Council of Letting Agents; Convention of Scottish Local Authorities; Scottish Land and Estates; Chartered Institute of Housing and private individuals. Responses to the consultation indicated broad support for the proposals to require landlords to be more explicit about compliance with their legal duties.

Further consultation took place with local authorities to assess the impact of the new prescribed information on checking applications for compliance with the requirements of registration and provision of advice and support to applicants.

Impact Assessments

An Equality Impact Assessment (EQIA) has been completed. The assessment found that the policy is not discriminatory and has no significant issues that will impact negatively on any of the equality groups. The EQIA notes that a Fairer Scotland Duty assessment is not required.

A Child Rights and Wellbeing Impact Assessments (CRWIA) screening has been completed and will be published on the Scottish Government's website with the EQIA.

Financial Effects

Costs fall to the Scottish Government for upgrading the internet-based service to accommodate the new prescribed information within the application process. There will be little financial impact for landlords who currently meet their legal responsibilities. There may be costs to landlords who need take steps to comply with the law, for example by carrying out work to ensure that houses they let meet the repairing standard.

Landlord registration application fees will increase from 11 June 2019 to reflect the higher costs of administration for local authorities, including additional work expected to arise from the changes in prescribed information. However, the fees remain reasonable and proportionate to the overall costs of registration. For example, a landlord with a single property the change equates to an increase of £14 over a three-year registration period.

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The assessment concluded that the policy will have minimal impact on businesses and will not adversely affect competition in the market place.

Scottish Government
Housing and Social Justice Directorate

20 May 2019