



Housing (Scotland) Act 2006

2006 asp 1

PART 8

MISCELLANEOUS

175 Matters relevant to deciding whether person is fit and proper to act as a landlord

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) is amended as follows.
- (2) In section 85 (matters to be considered by local authority in deciding whether a person is a fit and proper person to act as landlord to an unconnected person)—
 - (a) in subsection (2)(c), before sub-paragraph (i) insert—

“(zi) any Letting Code issued under section 92A;”
 - (b) after subsection (3) insert—

“(3A) Material falls within this subsection if it relates to any agreement between the relevant person and any person in terms of which that person acts for the relevant person in relation to a lease or occupancy arrangement such as is mentioned in section 84(3)(c).”
 - (c) after subsection (4) insert—

“(4A) A local authority need not, despite subsection (1), have regard to any material falling within subsection (3A) in deciding for the purposes of section 84(4) whether a person specified in an application by virtue of section 83(1)(c) is a fit and proper person to act for a landlord.”
- (3) After section 92 insert—

“92A The Letting Code

- (1) The Scottish Ministers may prepare and issue a code of practice, to be known as the Letting Code, making provision about the standards of management of—
 - (a) any relevant person who enters into, or who seeks to enter into, a lease or occupancy arrangement by virtue of which an unconnected person may use a house as a dwelling, and

Status: This is the original version (as it was originally enacted).

- (b) any other person who acts for such a relevant person in relation to such a lease or occupancy arrangement.
- (2) The Scottish Ministers must, from time to time, review any Letting Code issued under subsection (1) and may, following such a review—
 - (a) vary it, or
 - (b) revoke and replace it.
- (3) The Scottish Ministers must, before preparing, varying or replacing any Letting Code—
 - (a) publish, in such manner as they think fit, an assessment of the effectiveness of any existing obligations and voluntary arrangements which relate to any standards of management which a Letting Code may make provision about, and
 - (b) consult—
 - (i) such bodies representing local authorities,
 - (ii) such bodies representing private sector landlords, and
 - (iii) such other persons,as they think fit about the need for, and the terms of, the Letting Code or variation proposed.
- (4) An assessment under subsection 3(a) above must, in particular, assess the effectiveness of—
 - (a) the Rent (Scotland) Act 1984 (c. 58), and
 - (b) registration under this Part,in dealing with harassment, unlawful eviction or unlawful management practices.”.