



Housing (Scotland) Act 2014

2014 asp 14

PART 4

LETTING AGENTS

Code of practice

46 Letting Agent Code of Practice

- (1) The Scottish Ministers may, by regulations, set out a code of practice which makes provision about—
 - (a) the standards of practice of persons who carry out letting agency work,
 - (b) the handling of tenants' and landlords' money by those persons, and
 - (c) the professional indemnity arrangements to be kept in place by those persons.
- (2) The code of practice is to be known as the Letting Agent Code of Practice.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate on a draft of the code of practice.

47 Prohibition on contracting out

- (1) The terms of any agreement of a kind mentioned in subsection (2) are of no effect in so far as they purport to—
 - (a) exclude or limit any duty a letting agent has under the Letting Agent Code of Practice, or
 - (b) impose any penalty, disability or obligation in the event of a person enforcing compliance by the letting agent with such a duty.
- (2) The agreements are—
 - (a) an agreement between a landlord and a letting agent,
 - (b) an agreement between a tenant and a letting agent,
 - (c) an agreement (including a lease) between a landlord and a tenant.