

2006 No. 28

HOUSING

CRIMINAL LAW

LOCAL GOVERNMENT

**The Private Landlord Registration (Information and Fees)
(Scotland) Amendment Regulations 2006**

Made - - - - - *25th January 2006*

Laid before the Scottish Parliament *26th January 2006*

Coming into force *31st January 2006*

The Scottish Ministers, in exercise of the powers conferred by section 83(3) of the Antisocial Behaviour etc. (Scotland) Act 2004(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Private Landlord Registration (Information and Fees) (Scotland) Amendment Regulations 2006 and shall come into force on 31st January 2006.

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 in accordance with the following paragraphs.

(2) At the end of regulation 1(2) insert—

“and “HMO licence” means a licence issued under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000(c)”.

(3) In Schedule 2—

(a) for paragraph 1(a) substitute “in all cases, starting with a principal fee of £55;”;

(b) omit paragraph 2;

(c) in paragraph 3 for “declared” substitute “specified”;

(d) in paragraph 4—

(i) after “2004 Act” insert—

“unless it is a house that is included in—

(a) 2004 asp 8.

(b) S.S.I. 2005/558.

(c) S.S.I. 2000/177 as amended by S.S.I. 2002/161 and S.S.I. 2003/463.

- (a) a current HMO licence; or
 - (b) a current accreditation held by the applicant, where the accreditation is through a scheme approved by the local authority which includes an assessment of whether the applicant is fit and proper to be letting houses”;
- and

(ii) at the end insert:

“ Where the applicant has specified another person under section 83(1)(c) of the 2004 Act and that person is not registered or has not made a valid application to be registered under section 83 of the 2004 Act	100% of the principal fee	”
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MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
25th January 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Private Landlord Registration (Information and Fees) (Scotland) Regulations 2005 (“the principal Regulations”).

They substitute £55 as the principal fee in the principal Regulations (regulation 2(3)(a)). This replaces the method of calculation of the principal fee as originally provided for in paragraph 2 of Schedule 2 to the principal Regulation (regulation 2(3)(b)).

Regulation 2(3)(d) makes two amendments to the list of additional fees. The first amendment has the effect of exempting liability for an additional fee for homes which are already caught by processes in place for HMO licences or other local authority accreditation. The second amendment adds to the list of additional fees a fee where an agent is specified in an application and that agent is not already registered or an applicant for registration.

A definition of “HMO licence” is added to regulation 1 of the principal Regulations (regulation 2(2)).

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