
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 1 and 4(a) of the Private Rented Housing (Scotland) Act 2011 (“the 2011 Act”) into force on 1st July 2012.

Section 1 of the 2011 Act amends the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (“the 2004 Act”) as regards the registration of private landlords. The amendment provides that, in deciding whether a person is a fit and proper person to be registered, the local authority must have regard to material showing particular things. These include convictions for firearms and sexual offences, also matters related to property maintenance and control of antisocial behaviour. Such convictions and matters will also become relevant in determining whether a person is fit and proper to hold a licence in relation to housing in multiple occupation, by virtue of section 130(3) of the Housing (Scotland) Act 2006 (asp 1).

Section 4(a) of the 2011 Act also amends the 2004 Act. The amendment provides a power for the Scottish Ministers to prescribe fees where a person already registered appoints an agent to act for them, and requires that notification of the appointment is accompanied by that fee. Section 4(a) is already in force as regards the power to prescribe fees. This Order commences it fully.

The Bill for the 2011 Act received Royal Assent on 20th April 2011. Part 5 of the 2011 Act (sections 38 to 41: general provisions) came into force the following day.