



COMHAIRLE NAN EILEAN SIAR

GUIDANCE NOTES FOR LANDLORD REGISTRATION APPLICATION Under the Antisocial Behaviour etc (Scotland) Act 2004

Background Landlords letting residential property in Scotland must register with, and be approved as 'fit and proper' by, the local authority in the area of the let property. Landlords letting property in multiple local authority areas must register with each local authority that they let property in.

Registration lasts for three years and a renewal application must be made before an existing registration expires if the landlord is still letting property. Renewal applications can be made within the three months before a registration expires.

Most landlords applying for registration or renewing an existing registration use the online application system at <https://landlordregistrationscotland.gov.uk/>

Paper applications can also be submitted. These notes accompany the paper application. Whether you are applying for the first time or renewing an existing registration please read these notes before you begin.

Exemptions There are exemptions from the requirement to register, the most common examples are:

- Live in landlords – where a landlord lives in the same property as their tenant(s)
- Letting to a close family member – where a landlord lets a property to their mother, father, sister, brother, son, daughter
- Short-term holiday lets

If you think you may be exempt from the requirement to register please contact the local authority for advice.

Before you begin The landlord application form will ask for your personal details and information about your let property. This information is required by law from anyone operating as a landlord in Scotland.

The form will also ask you to confirm that you comply with various legal obligations around letting houses in Scotland. If you need further information on what these obligations mean please contact the local authority or visit the online resources for landlords detailed at the end of these notes.

Keeping your registration up to date As a registered landlord you are required by law to keep your registration up to date. This includes your personal details, including your email address (if you have one) along with details of your let property. You can update your registration at any time by visiting <https://landlordregistrationscotland.gov.uk/> or by contacting the local authority.

GUIDE TO COMPLETION - Questions

Q1 About your application-Please indicate if this is a new application or whether you are renewing an existing application. If you are renewing an existing application please provide your registration number. Please indicate if you are applying as an individual or as a company.

Q2a if you are an individual-Please tell us your full name along with any other names that you have been legally known as.

Please provide your date of birth (dd/mm/yyyy), your email address (if you have one) and a contact telephone number (this number will only be used by the local authority in connection with your registration).

Q2b if you are applying on behalf of an organisation-Please tell us the organisation name, your name and your position in the organisation, along with the organisation's Company Registration Number, if it has one. If this organisation is a registered Scottish Charity please tell us the registration number. If you are applying on behalf of a trust please contact us for further advice.

Q3 your address history-You must provide your address history for the last 5 years, for example if you have lived in the same house for the last 6 years this is the only address you have to provide. If you have lived in your current home for the last 2 years and in your previous address for 7 years before that you

should include both, starting with your current address. If you are applying on behalf of an organisation you should provide the business address, again for the previous 5 years.

Q4 The Tolerable and Repairing Standard-The Tolerable Standard is a basic level of repair your property must meet to ensure it is fit for a person to live in. The Repairing Standard is a basic level of repair that all private rented properties must meet. Please indicate that you have read and understood your obligations under these standards.

YOUR OBLIGATIONS This series of questions will ask you about the various obligations and standards involved in letting residential property in Scotland.

Q5 Gas Safe certificate-Where a let property uses a gas supply it must be covered by a yearly Gas Safe certificate. This certificate is issued by a registered Gas Safe engineer.

Please answer yes or no to this question, answering not applicable would only be appropriate if your let property does not have a gas supply or if you do not have a let property.

Q6 Electrical Safety-All let properties must have a current Electrical Installation Condition Report (EICR) or a current Electrical Installation Certificate (EIC) at the time of let. An EIC certificate is appropriate if the electrical installation is less than 5 years old, an EICR certificate must be renewed every 5 years if it is more than 5 years since the electrical installation or when a change of tenancy occurs. EICR and EIC certificates can be issued by a suitably qualified electrician.

Q7 Electrical appliance testing-In any let property where you supply electrical appliances portable appliance testing (PAT) must be carried out annually by a suitably qualified electrician.

Answering not applicable would be appropriate if you do not supply electrical appliances in your let properties or if you do not have a let property.

Please note: the 'Not Applicable' option would only be appropriate if you have no let properties.

Q8 Fire, smoke & heat detection-As a landlord it is your responsibility to comply with the repairing standard concerning fire, smoke & heat alarms. In order to comply there should be:

- one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes (normally the living room/lounge),
- one functioning smoke alarm in every circulation space on each storey, such as hallways and landings, or in main room if no landing in upper storey
- one heat alarm in every kitchen,
- all alarms should be ceiling mounted, and should be interlinked

Please note: the 'Not Applicable' option would only be appropriate if you have no let properties.

Q9 Carbon monoxide detection-Private landlords have an obligation to ensure that a detection system is installed in all properties you rent where there is:

- a fixed combustion appliance (excluding an appliance used solely for cooking) or
- a fixed combustion appliance in an inter-connected space, for example, an integral garage
- a combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) - the CO detector should be sited outside the room as close to the appliance as possible

Q10&11 Private water supply-As a landlord in Scotland you will likely find that most of your properties are supplied by Scottish Water. Approximately 3% of the Scottish population uses a private water supply for drinking water. There is an additional question for let properties that are not supplied by Scottish Water.

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 came into force in October 2017 and is intended to ensure the provision of clean, safe drinking water and to deliver significant health benefits to those using private water supplies.

Q11 Energy performance-Energy Performance Certificates (EPCs) provide information on how energy efficient your building is, and how it could be improved. Buildings are rated on a scale from A to G, with A being the most efficient. Information is also provided on measures which could be made to improve the energy efficiency and an indication of the cost for each improvement.

Landlords must have a current Energy Performance Certificate for their let properties, a copy of this must be given to new tenants at any change of tenancy and the EPC rated must be included in any advert for a rental property.

Q12 Legionella risk assessment-Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All water systems can provide an environment where Legionella may grow.

The landlord has a duty to ensure legionella risk assessment is carried out on their properties. This is to help guard their tenants against any risk of getting the illness from contaminated water. More information on Legionella is available from the Health and Safety Executive (HSE).

Q13 Rental property insurance-If renting out a tenement or flat within Scotland you will be responsible for obtaining insurance cover for the reinstatement value your of the tenement building/block. This rule came in to effect in 2004 via the Tenement (Scotland) Act 2004.

Q14 Common repair obligations-As a landlord you are responsible for repairing common areas, for example;

- the ground (solum) on which your building stands (but not always the garden) and the foundations
- the external walls - but individual owners are responsible for the part of these walls that lies in their flat
- the roof (including the rafters)
- other structural parts of the building such as beams, columns and load bearing walls
- the close and stairs (when they are not mutual)
- staircases in blocks of flats.

Q15 Tenancy deposits-If you take a deposit from a tenant you must lodge it with one of the 3 government-backed tenancy deposit schemes: **Letting Protection Service Scotland, Safe Deposits Scotland, My Deposits Scotland**

The deposit must be lodged within 30 day of being received.

Q16 Convictions and judgements-As part of the approval process, local authorities must be satisfied that a person applying to be a private landlord in Scotland is 'fit and proper' to be letting residential properties. Landlords applying for registration must declare any unspent criminal convictions and spent convictions if not protected.

Landlords must also declare any court judgements or tribunal decisions relating to housing, discrimination or equality.

Q17 & Q18 Antisocial Behaviour Orders & Notices-Landlords must declare any Antisocial Behaviours Orders (ASBO's) or Notices (ASBN's) served on them or their tenants.

Q19 Licences, registration and accreditations-Landlords should declare any licences, registrations or accreditations relating to housing. Landlords must also declare any negative decisions relating to licences, registration or accreditations.

Q20 About your rental property-Please use this section to provide details about your rental property. If you have more than one rental property please use the additional properties sheet.

You should tell us about any joint owners, Houses of Multiple Occupation (HMO) properties*, any Repairing Standard Enforcement Orders (RSEO) on the let property and details of your letting agent** if you have one. If the joint ownership details are complicated please tell us separately about this.

* A House of Multiple Occupation (HMO) is a house where at least 3 or more unrelated people live in the same property, and they share a kitchen, bathroom or toilet. HMOs must be licensed in their own right, if you think your property is an HMO and you don't have a licence please contact us.

** Agents: All owners of let properties must register and declare anyone who acts for them in relation to their letting.

An agent may be a: commercial agency; a letting agency; a property management agency; an estate agency; a charity; someone who manages the property on your behalf; or a representative of an organisation, for example a factor, a trust or a company.

From the 1 October 2018 a paid letting agent must be registered on the Scottish Letting Agent Register and adhere to the Letting Agent Code of Practice. Further information can be found at: www.rentingscotland.org/landlords/using-letting-agent

Unregistered agent fee: If someone manages your property for you without payment, their details must be noted on your registration. You will be charged **£65**, unless they already have their own separate registration.

Q21 The public register-Registered landlords and their let property will be displayed on the public search at <https://landlordregistrationscotland.gov.uk/>

This search facility enables tenants and neighbours to confirm a landlord or a property is registered.

It can also be used to obtain the contact details (address) of the landlord of a specific property. Landlords can opt to use their home address, the address of their agent or another relevant address. A registration is very much a matter between the landlord and the local authority so it is important that landlords do not use the address of the let property as their contact address.

Declaration-Landlords are required to complete the declaration and sign their application for registration, important information is contained within the declaration.

Additional Information-The following information is useful to existing and new landlords.

Joint Owners-A landlord must declare any joint owners on their application. All joint owners must also apply to register separately, and renew registrations, in their own right.

The lead owner will pay the appropriate fee and applications from the other joint owners are typically free of charge.

Fees-The fees incurred in Landlord Registration are typically:

- Principal Fee: **£65.00** (where a landlord lets property in more than one local authority area and uses the online application process this fee is discounted to £32.50)
- Property Fee: **£15.00** per let property
- Late Application Fee: **£130.00**

Houses in Multiple Occupation (HMO) will typically attract a 100% discount on the principal and property fee, but only for the property that is covered by the HMO licence (additional non-HMO properties will be charged).

Registered Scottish Charities attract 100% discount.

Your registration-Once approved, a landlord is required by law to keep their registration details up to date, including their contact address.

Renewal Reminders-Renewal reminders are typically issued by email, where an email address is held or otherwise by letter, and sent at 90 days and 30 days before a registration expires. Failure to renew will result in a Late Application Fee so landlords should manage their junk and spam email folders to ensure reminders are not missed. This also applies to joint owners.

For more information or advice, please contact:

Consumer & Environmental Services

Communities Department, Comhairle Nan Eilean Siar, Sandwick Road, Stornoway, Isle of Lewis HS1 2BW

Tel:01851-822694

e-mail: plr@cne-siar.gov.uk

Or visit www.cne-siar.gov.uk/plr



COMHAIRLE NAN EILEAN SIAR

APPLICATION FOR LANDLORD REGISTRATION

under the Antisocial Behaviour etc (Scotland) Act 2004

You can use this form to apply for a new registration or renew an existing registration as a landlord or a non-commercial agent.

You can also apply online at www.landlordregistrationscotland.gov.uk. You can use the online application system to register in several local authorities in one application and this will reduce the total fee that you will have to pay (see the accompanying notes for details on fees).

Please read the accompanying notes carefully before submitting your application. These notes will also tell you how to make payment.

Important Information: Anyone who gives false information on this form, or fails to give information required by this form, is committing an offence which could lead to prosecution.

QUESTION 1 - Are you renewing an existing registration? Yes No

If yes, please provide your registration number

Which of the following describes you? I am applying as an individual. (go to question 2a) I am applying on behalf of an organisation. (go to question 2b)

Question 2a – Only complete if the applicant is an individual

First Name(s) Surname

Other names by which you may be known

Date of Birth (for example 03 09 1980) Day Month Year

Email Address

Contact Telephone Number

Question 2b - only complete if an organisation

Organisation name

Your full name and position in organisation

Company registration number (if applicable) Scottish Charity number (if applicable)

Question 3 - your address history

Please provide your home address history for the **last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm that dates you resided at these properties. If the applicant is an organisation, please provide the business address for the organisation.

Address (history for last 5 years)	Postcode	Date from	Date to

Prescribed Information – Landlord obligations

The following questions will ask you to confirm that you understand, and currently meet where applicable, the obligations involved in letting residential property in Scotland.

These obligations are not new, they already exist, but the Prescribed Information change introduced in September 2019 asks landlords to confirm their compliance on each individual element.

Question 4 – the Tolerable and Repairing standards

As a landlord, please confirm you understand and meet your obligations with regard to the Tolerable and Repairing standard for any properties you let: Yes No

Question 5 – Gas Safe certification

Do you have a current gas safety certificates for all your rental properties that use gas? Yes No Not Applicable

Question 6 – Electrical safety

Do you have a current Electrical Installation Condition Report (EICR) or a current Electrical Installation Certificate (EIC) for all your rental properties that use electricity? Yes No Not Applicable

Question 7 – Electrical appliance testing

Where you have supplied electrical appliances have current portable appliance tests (PAT) been conducted in all of your properties? Yes No Not Applicable

Question 8 - Fire, smoke and heat detection

Does every property you rent out meet current statutory guidance for provision of fire, smoke and heat detection? Yes No Not Applicable

Question 9 – Carbon monoxide detection

Does every property you rent out meet statutory guidance for carbon monoxide alarms? Yes No Not Applicable

Question 10 – Private water supply

Are any of your properties served by a private water supply (a private water supply is one NOT provided by Scottish Water). Yes No Not Applicable

Question 10a – Private Water Supply (continued)

Does the private water supply (i.e. not provided by Scottish Water) in all your rental properties meet the required regulations? Yes No Not Applicable

Question 11 – Energy performance

Do your let properties have a valid Energy Performance Certificate (EPC)? Yes No Not Applicable

Question 12 – Legionella risk assessment

Has a Legionella risk assessment been carried out on every rental property and have safety concerns addressed? Yes No Not Applicable

Question 13 – Rental property insurance

If you rent out a property that is a flat or in tenement, do you have the appropriate buildings insurance? Yes No Not Applicable

Question 14 – Common repair obligations

Are you aware of your responsibilities and obligations around your let properties in relation to Common Repairs? Yes No Not Applicable

Question 15 – Tenancy deposits

If you plan to take or have taken a deposit are you aware of and have you met your tenancy deposit obligations? Yes No Not Applicable

Question 16 – convictions and judgements

This information will be used by the local authority to assess your application.

Do you have any relevant unspent criminal convictions and convictions considered spent under the Rehabilitation of Offenders Act 1974 unless they are “protected” convictions relating to:

- Fraud/dishonesty
- Violence
- Drugs
- Discrimination
- Firearms
- Housing law
- Sexual offences within the meaning of section 210a of the Criminal Procedure (Scotland) Act 1995

Do you have any court judgements or tribunal decisions against you relating to:

- housing law
- landlord and tenant law
- discrimination legislation, e.g.: Equality Act 2010
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

Yes No

If Yes (please provide details below, if required use a separate sheet)

Date of sentence or tribunal judgement	The court or tribunal where your case was heard	Description	Sentence or decision

Question 17 – Antisocial Behaviour Orders (ASBOs)

Have you or your tenants ever been served with an ASBO (If yes provide details below)

Yes No

Date	Court	Local authority	Was it you, your tenant or their visitor who was served with the order?

Question 18 – Antisocial Behaviour Notices (ASBNs)

Have you or your tenants ever been served with an ASBN (If yes provide details below)

Yes No

Date	Local authority and property address

Question 19 – licences, registration and accreditations

Part a – do you hold any licences, registrations or accreditations (If yes provide details below)

Yes No

Awarding body	Description or number

Part b – Have you ever had a registration, licence or accreditation related to letting a house in the UK refused or revoked?

Yes No

Date refused or revoked	Refused or revoked by(organisation name)

Question 20 – about your rental properties

Use this section to enter details of your rental property. If you have more than one rental property please use the additional properties sheet.

Address &
postcode of
rental property

Is this property jointly owned? (please provide details below)
(see notes for important information regarding joint owners)

Yes No

**Name and address of
joint owner :**

Joint owner registration number :

Is this property a house in multiple occupation (HMO)?
(see notes for important information regarding HMOs)

Yes No

HMO Licence number

HMO Licence expiry date

**Does this property have a Repairing Standards Enforcement Order
(RSEO)?** (please provide details below)

Yes No

RSEO reference number :

Does an agent manage this property on your behalf?

Yes No

Scottish Letting Agent Registration Number :

Name and Address of agent :

Question 21 –Please choose the address you wish to show on the public register?

This will be the address made available on <https://landlordregistrationscotland.gov.uk/>

Your contact
address

Your agent's address

A different address (please provide
details below)

Declarations

I declare that I comply with all legal requirements relating to my letting of houses. Full information on requirements for landlords can be found at www.mygov.scot/renting-your-property-out .

I declare that the information given in this form is correct to the best of my knowledge.

Signed

Date

Print name

DATA PROTECTION: A local authority may use information it holds about you to determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. In addition, local authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with the Police Service of Scotland and, if appropriate, other relevant authorities. Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 in terms of s 139, and / or the Data Protection Act 2018 and the General Data Protection Regulations. Your information will be held securely in terms of the abovementioned Data Protection Legislation. For further information on our legal basis for processing your information and for your rights in terms of Data Protection Legislation, please go to the following webpage to view our Privacy Notice: www.cne-siar.gov.uk/your-council/data-protection