

Landlord ID:

Enforcement Date:

# National Landlord Registration Scheme Renewal

## Application for Joint Owners / Agents

Under the Antisocial Behaviour etc (Scotland) Act 2004



«Landlord\_ID»

## **Application for landlord registration with Scottish Borders Council under the Antisocial Behaviour etc (Scotland) Act 2004**

The aim of landlord registration is to ensure that all private landlords and agents in Scotland are 'fit and proper' to be letting residential property (Note 1). The owner of every let property must register and declare anyone who acts for them in relation to their letting. There are only a few exceptions from the requirement to register (Note 2). You can also register if you do not own any property, to show that you are 'fit and proper' to act as an agent, or before you invest in property for let.

Members of the public will be able to view each local authority's register of landlords online at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk). By entering the name and address of a person or company, they will be able to see whether you are registered. By entering the address of one of your properties they will be able to see your name and the contact address for you or your agent. This information can also be obtained by contacting the local authority. Local authorities can also provide the home or office address of any registered person or company, at the authority's discretion.

Further information on the legislation and your obligations as a private landlord can be found at [http://www.scotborders.gov.uk/life/housingservices/private\\_landlords\\_tenants/index.html](http://www.scotborders.gov.uk/life/housingservices/private_landlords_tenants/index.html).

Housing Strategy Team  
Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Email: [privatelandlordregistration@scotborders.gov.uk](mailto:privatelandlordregistration@scotborders.gov.uk)

Tel: 01896 661392

You can also apply online at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk)

### page

|                      |  |          |
|----------------------|--|----------|
| <b>Section 1JO/A</b> | <b>Details of Agent or Joint Owner</b>                   | <b>4</b> |
| <b>Section 3JO/A</b> | <b>Declaration and signature of Agent or Joint Owner</b> | <b>7</b> |
| <b>Notes</b>         |  | <b>8</b> |



Office use only

|                |  |
|----------------|--|
| Date received: |  |
| Payment ref:   |  |

| Section 1JO/A  |  | Details of Agent or Joint Owner    |                             |
|--|--|------------------------------------|-----------------------------|
| First name:  |  |                                    |                             |
| Surname:   |  |                                    |                             |
| Any other names by which you are, or have been, known (eg Maiden name)                             |  |                                    |                             |
| Date of birth:   |  |                                    |                             |
| Home phone number:   |  | Mobile phone number:               |                             |
| Email address:   |  |                                    |                             |
| <b>If an organisation</b>  |  |                                    |                             |
| Organisation name:   |  |                                    |                             |
| Company registration number (if applicable)  |  |                                    |                             |
| <b>Organisations contact person</b>  |  |                                    |                             |
| Name:  |  |                                    |                             |
| Position in organisation:  |  |                                    |                             |
| Is this organisation a registered charity?<br>If so, please enter the charity registration number. |  | Yes <input type="checkbox"/>       | No <input type="checkbox"/> |
| <b>All applicants</b>  |  |                                    |                             |
| Address of principal or main residence, including postcode:  |  |                                    |                             |
| How long have you been at this address?  |  |                                    |                             |
| If current address is less than 5 years please give previous addresses, including postcode         |  |                                    |                             |
|  |  |                                    |                             |
| How long were you at this address?   |  | How long were you at this address? |                             |

|   |                 |  |                             |
|---|-----------------|--|-----------------------------|
| 1. Do you have any spent or unspent convictions, or have you ever had any court or tribunal judgements against you under housing law, landlord and tenant law or discrimination legislation? (Note 3) |                 | Yes <input type="checkbox"/>           | No <input type="checkbox"/> |
| If yes, please give details   |                 |  |                             |
| Conviction or description of case   | Date            | Court or tribunal which heard the case |                             |
|   |                 |  |                             |
| 2. Have you any previous or current Repairing standard enforcement orders issued by the Private Rented Housing Panel? (Note 4)  |                 | Yes <input type="checkbox"/>           | No <input type="checkbox"/> |
| 3. Have you, or a tenant residing at any associated properties ever been served with an Antisocial Behaviour Order or an interim Antisocial Behaviour Order? (Note 5)                                 |                 | Yes <input type="checkbox"/>           | No <input type="checkbox"/> |
| If yes, please give details   |                 |  |                             |
| Date  | Court           | Local Authority                        | Landlord/Tenant             |
|   |                 |  |                             |
| 4. Do you have any properties that have ever been subject to an Antisocial Behaviour Notice? (Note 6)   |                 | Yes <input type="checkbox"/>           | No <input type="checkbox"/> |
| If yes, please give details   |                 |  |                             |
| Date  | Local Authority |  |                             |
|   |                 |  |                             |

| 5. Do you hold any registrations or licences (Note 8) in connection with letting houses within Scotland? eg House in Multiple Occupation (HMO) |            | Yes <input type="checkbox"/> | No <input type="checkbox"/>          |               |
|--|------------|------------------------------|--------------------------------------|---------------|
| 6. Have you had any such registrations or licences refused or revoked?   |            | Yes <input type="checkbox"/> | No <input type="checkbox"/>          |               |
| If yes, please give details  |            |                              |                                      |               |
| Description  | Awarded by | Held/refused/revoked         | Date awarded/refused/revoked         | Reference no. |
|  |            |                              |                                      |               |
| 7. Do you hold any voluntary accreditations (Note 7) in connection with letting houses within Scotland? eg Landlord Accreditation Scotland     |            | Yes <input type="checkbox"/> | No <input type="checkbox"/>          |               |
| Description  | Awarded by | Date                         | Local authority approving the scheme | Reference no. |
|  |            |                              |                                      |               |

Information on the law and good practice in letting is available from Scottish Borders Council, online at [www.betterrentingscotland.com](http://www.betterrentingscotland.com), and other sources. If in doubt about legal requirements you should consult a solicitor or professional letting agent.

**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.**

I declare that I comply with all legal requirements relating to the letting of houses.

I declare that the information provided on this application is correct to the best of my knowledge.

I agree that Scottish Borders Council may use other information it holds about me to determine whether I am a fit and proper person to act as a landlord, or to act for a landlord, in terms of the Antisocial Behaviour etc (Scotland) Act 2004.

I agree that Scottish Borders Council may share the information provided in this form with other local authorities in Scotland to which I apply, to help those authorities determine whether I am a fit and proper person to act as a landlord, or to act for a landlord. Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.

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 section 139, and/or the Data Protection Act 1998.

Under the Data Protection Act 1998 information is shared for the purposes of preventing and detecting crime.

Signature

.....

Print name.....

Date .....

The Council will notify you of the outcome of your application. Registration lasts for 3 years from the date an application is approved. You must inform the Council of any changes to the details entered on this form at any time while your application is being processed and during the period of registration.

Please note that it is a legal requirement to keep your registration details up to date. You can do this by emailing – [privatelandlordregistration@scotborders.gov.uk](mailto:privatelandlordregistration@scotborders.gov.uk) or by calling 01896 661392

Late fee of £170.00 is applicable if a valid application is not made following two notifications. (see note 9)

This form should be returned to:

Housing Strategy Team  
 Scottish Borders Council  
 Council Headquarters  
 Newtown St. Boswells  
 Melrose  
 TD6 0SA

## Notes

### Note 1

To be registered, landlords and their agents must be 'fit and proper' to let residential property. Local authorities must take account of any evidence that the person has:

- Committed any offence involving fraud, dishonesty, violence or drugs
- Practised unlawful discrimination in connection with any business, contravened any provision of the law relating to housing, or landlord and tenant law and the person's actions, or failure to act, in relation to any antisocial behaviour affecting a house they let or manage.

In addition to the information provided on the form, the local authority will also take account of any other relevant information they hold about you. They will make a balanced judgement on the basis of all the available information, there is no automatic refusal.

If you let property in more than one local authority area, the authorities will share information to ensure they have all relevant details, but each authority will make its decision independently.

### Note 2

Exemptions apply to properties rather than to people. If **all** of a landlord's properties in an area are covered by one or more of the exemptions, he or she does not need to register with that local authority. If some of his or her properties are exempt, the other properties must still be registered.

A property is exempt from registration if it is:

- The only or main residence of the landlord, where there are not more than two lodgers
- Let under an agricultural or crofting tenancy
- Occupied under a life rent
- Used for holiday lets only
- Regulated by the Care commission, in certain categories
- Owned by a religious organisation and occupied by a leader or preacher of the faith
- Occupied only by members of a religious order
- Let to members of the landlord's family only
- Is part of an estate of a deceased person and is being held by an executor
- Possessed by a heritable creditor
- Owned by a local authority or Registered Social Landlord.

If you are unsure whether an exemption applies to you, please contact the local authority for advice.

**Note 3**

The term 'spent or unspent' convictions may refer to the following:

- Fraud/dishonesty
- Violence
- Drugs
- Discrimination – legislation including:
  - the Equal Pay Act 1970
  - the Sex Discrimination Act 1975
  - the Race Relations Act 1976
  - the Disability Discrimination Act 1995
  - the Equality Act 2010
  - the Employment Equality (Sexual Orientation) Regulations 2003
  - the Employment Equality (Religion or Belief) Regulations 2003
- Housing Law
- Fire arms – within the meaning of section 57 (1) of the Firearms Act 1968.
- Sexual offences – within the meaning of section 210A (10) of the Criminal Procedure (Scotland) Act 1995.

If you are unsure whether you need to declare a conviction or court or tribunal judgement made against you, please contact your local authority for further advice.

**Note 4**

A Repairing Standard Enforcement Order is made under s24(2) of the Housing (Scotland) Act 2006. For further information on the Private Rented Housing Panel see <http://www.prhpscotland.gov.uk/prhp/1.html>

**Note 5**

An Antisocial Behaviour Order (ASBO) is within the meaning of Part 2 of the Antisocial Behaviour etc (Scotland) Act 2004. For further details please see <http://www.legislation.gov.uk/asp/2004/8/part/2>

**Note 6**

Antisocial Behaviour Notice (ASBN) is within the meaning of Part 7 of the Antisocial Behaviour etc (Scotland) Act 2004. For further details please see <http://www.legislation.gov.uk/asp/2004/8/part/7>

**Note 7**

There are various types of qualification or permission to let house, which go by different names depending on the organisation which issues them, or the country where they apply. This form uses the following definitions:

**Registrations or licences** are required by law, and are issued by local or central government. In Scotland this applies to registration of all landlords under the Antisocial Behaviour etc (Scotland) Act 2004, and licensing of Houses in Multiple Occupation. You should also include any similar permissions you hold in other parts of the UK.

**Voluntary accreditation** is something landlords or agents can apply for to show that they meet high standards in letting. Accreditation schemes may be run by local authorities, landlord organisations or a combination of the two.

**Note 8**

A property may be a House in Multiple Occupation (HMO) if:

- at least three people live there, and
- the people who live there belong to three or more families, and
- they share a kitchen, bathroom or toilet.

All HMOs must be licensed by the local authority. If you think your property may be an HMO and you do not have a licence, please contact the local authority for advice.

**Note 9**

Each landlord and agent applying for registration should pay a **principal fee** to each local authority in which they apply and, in the case of landlords, a **property fee** for each property listed.

**Fee Structure**

- Principal fee = £85 for the Lead/Sole Owner
- £20 per property.
- £85 for a person who acts as a letting agent who has not already registered or applied separately
- 100% discount for joint owners
- 100% discount for registered charities
- Scottish Borders Council HMO licence holders do not pay a principal fee but must pay £19 for each property which does not have an HMO licence
- Consecutive online applications to two or more local authority attracts a discount on the principal fee

**Following two formal notices for a valid application to be submitted a late application fee of £170.00 is applied. This fee can be charged to all applicants who would receive a 100% discount.**

If you are unsure how much your fee will be please contact Housing Strategy Team, Scottish Borders Council.

**Payment methods**

apply online - ([www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk)) Payment can be by debit or credit card.

paper based application - you **must** include a cheque for the full amount - made payable to Scottish Borders Council.

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