



## APPLICATION FOR LANDLORD REGISTRATION

### Under the Antisocial Behaviour etc (Scotland) Act 2004

You can use this form to apply for registration as a landlord or landlord's agent with Shetland Islands Council. There are notes at the end to help you. For more information or advice, please contact Environmental Health, Old Anderson High School, Lovers Loan, Lerwick, ZE1 0BA.

*Payment must be made at the time of application. The principal fee for registration is £55 plus £11 per property. You can also apply online at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk).*

You must register with each local authority in whose area you let property. If you own properties in more than one area, you can use the online application system to register in all authorities in one application, and this will reduce the total fee that you will have to pay.

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 (see Note 1). The owner of every let property must register, and must declare anyone who acts for them in relation to their letting. There are only a few exceptions from the requirement to register (see 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.

#### Section 1 - About the owner

You will need to have the following information to help complete this section:

- your full name, any other names you may have or had (maiden or previous married names) and your date of birth
- name of organisation and contact person.
- company registration number or charity number.
- current home address.
- previous home addresses for past 5 years
- email address and contact telephone number.
- HMO licences and voluntary accreditations you hold in Scotland (if applicable)
- details of any registration, licence or voluntary accreditation which has been refused or revoked in connection with letting in the UK.
- details of any convictions (spent or unspent), and court or tribunal judgements issued against you under housing law, landlord and tenant law, or discrimination legislation. (See Note 3a)

- details of any previous or current Repairing Standard Enforcement Orders issued by the Private Rented Housing Panel (see Note 3b).
- details of any Antisocial Behaviour Order or Interim Antisocial Behaviour Orders served on you, or a tenant residing at any of your properties (see Note 3c).
- details of any Antisocial Behaviour Notices served on you or any of your properties (see Note 3d).

## **Section 2 - Properties**

You will need to have the following information to complete this section:

- the address of each house you own which is let (including postcode)
- details of any agent(s) who act for you in relation to each property. Your agent must be entered on the system first before you can add them to your application. Please ask for a registration number (for the relevant local authority). If your agent is not registered then contact your local authority for advice
- details of any joint owners of each property. If the joint owner has already registered or applied for registration, please ask for their registration number (for the relevant local authority).
- contact address for each property. This is the address tenants or neighbours can use to get in touch about the property. It may be an agent's / home or office address.

## **Section 3 - About Joint owners**

All owners of property, including joint owners are required to apply for registration in order to comply with the law. You will need to have the following information to help complete this section:

- If the joint owner has not yet applied for registration, ask them to fill in their details
- If the joint owner has already applied for registration, enter their reference number
- Details of any other licences held
- HMO licence number
- Any relevant convictions (spent and unspent)
- Accreditations held, e.g. membership of a local or national scheme

If there is more than one joint owner they will need to complete a separate application form.

## **Useful information**

If a property is jointly owned then a 'lead' owner should be designated by the owners from amongst their number. The lead owner will pay both the principal fee and the property fee(s) for each of the jointly owned properties. Any joint owner who is not the lead joint owner is exempt from paying both the principal fee and any property fees for the jointly owned properties.

## **About agents**

If you use an agent to manage any of your properties, you will need to ask your agent to complete an application form to provide their details.

If a commercial agent has provided you with a registration number, they will not be required to complete an application form as they have already registered with the local authority you are applying to.

Please note that if your agent (including family members with Power of Attorney) is not already registered then you will need to pay for them to be assessed as fit and proper. This will cost you a further £55 in addition to your own registration fee.

**Section 1 – About You**

Application for

Lead owner

Joint Owner

Agent

**Please tick the appropriate box.**

Are you registering for the first time?

Yes  No

or

Are you renewing an existing registration?

Yes  No

If yes, please provide your registration number

Title

First name

Other names

Surname

Date of birth


Contact Telephone Number

Email address. Your email address we will be used to send you a reminder of registration expiry.

Please also list any other names by which you are, or have been, known (including maiden name).

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**Organisations**

Organisation name

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Company registration number  
(if applicable)

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Organisation contact  
person

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Position in  
Organisation

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Is this organisation a registered charity? Yes  No

If so, please enter the charity registration number

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Please provide us with your present address including postcode (this will be used to send all postal communication regarding your landlord registration).

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How long have you lived at this address?

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Please give any other addresses where you have lived within the last 5 years, including postcode. Please continue on a separate sheet if necessary.

How long have you lived at this address?

### Convictions / Accreditations

To be registered, owners 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, drugs, firearms, or sexual offences
- Practiced unlawful discrimination in connection to any business
- Contravened any provision of the law relating to housing, or landlord and tenant law.

In addition to the information provided on the form, the local authority will also take account of any other relevant information they hold about the applicant.

Do you have any spent or unspent convictions, involving any of the following:- (see Note 3a)

- Fraud
- Violence
- Drugs
- Discrimination
- Firearms
- Sexual offences
- Contravention of housing law

Yes  No

If yes, please provide details in table (i) below

Have you had any court or tribunal judgements found against you under

- Housing law
- Landlord or tenant law
- Discrimination legislation

Yes  No

If yes, please provide details in table (i)

**Table (i)**

Conviction or description of case	Date	Court or tribunal which heard the case

Do you have any previous or current Repairing Standard Enforcement Orders issued by the Private Rented Housing Panel? (see Note 3b)

Yes  No

If yes, please provide dates and description of the case below

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Have you, or a tenant residing at any of your properties, ever been served with an Antisocial Behaviour Order or an Interim Antisocial Behaviour Order? (see Note 3c)

Yes  No

If yes, please provide details below

Date	Court	Local Authority (Optional)	Please indicate whether it was you or your tenant who was served with the Order.

Have you, or any of your properties, ever been subject to an Antisocial Behaviour Notice? (see Note 3d)

Yes  No

If yes, please provide details below

Date	Local Authority

Do you hold any registrations or licences (see Note 4) in connection with letting houses anywhere in the UK?

Yes  No

Have you had any such registrations or licences refused or revoked?

Yes  No

Please give details of any registrations or licences held, refused or revoked

Description	Awarded by	Held/refused/ revoked	Date awarded/ refused/revoked	Reference no

Do you hold any voluntary accreditations (see Note 4) in connection with letting houses anywhere in the UK?

Yes  No

If yes, please give details

Description	Awarded by	Date	Local authority approving the scheme	Reference no

**If you wish to register property in the Shetland Islands Council area, please continue to the next section.**

*You must register every house you own which is subject to a lease or occupancy agreement, but you can also register if you do not own any property.*

**If you do not wish to register any property, please go to section 3.**

**Section 2 – Properties**

Please use this section to enter details of each of your properties, including postcodes. If you have more than one property, please provide the details on a separate sheet and attach to this form.

Is this property a House in Multiple Occupation? (see Note 5)

Yes  No

If yes, please give the HMO licence number



Is this property an Accredited property?

Yes  No

If yes, please provide the accreditation number

**Agent**

An agent is anyone who acts for you in relation to a house you let. This may be a professional such as a letting agent or solicitor, or a friend or relative who looks after the property, arranges repairs, collects rents and so on. You must declare any agent you use, your application cannot be approved until both you and any agents you use have been approved.

Does an agent act for you in relation to this property?

Yes  No

If yes, has this person already registered, or applied for registration, with Shetland Islands Council?

Yes  No

If yes, please enter their registration/application number

If no – please enter their name and address here, and ask them to complete a separate application form and return it to us. You will need to pay a fee for your agent (see Note 6)

**Name**

**Address**

Do you jointly own this property with anyone else ?

Yes  No

*All joint owners of any let house must be registered, your application cannot be approved until all joint owners have been approved.*

If yes, has this person already registered, or applied for registration, with Shetland Islands Council?

Yes  No

If yes, please enter their registration/application number.

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If no – please enter their name and address here. Each joint owner will need to complete a separate form and return it to us.

**Title**

**First name**

**Surname**


**Address**

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Is this person a member of your family?

Yes  No

## Contact Address

The contact address is the address which will appear on the public register. It is the address that tenants or neighbours can use to get in touch with you regarding the property. It may be your agent's address, your own home or office address, or another address you choose to use for this purpose.

What is the contact address for this property?

Your address

Your agent's address

Another address – please give details.

### **Section 3 - Declarations**

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

Information on the law and good practice in letting is available from Shetland Islands Council or online on the Scottish Government website at: <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent/landlords/registration>, and other sources. If in doubt about legal requirements you should consult a solicitor or professional letting agent.

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

I agree that Shetland Islands 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 Shetland Islands Council may share the information provided in this form, and other relevant information it holds about me, with other local authorities in Scotland to which I have applied for registration, to help those other authorities 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.

**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 1998.**

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

**Signed**

**Date**

**Print name**

## **Important**

**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.**

The Council will notify you of the outcome of your application. 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. Registration lasts for 3 years from the date an application is approved.

**Please note that it is a legal requirement to keep your registration details up to date. You can do this online at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk), or by emailing [ehadmin@shetland.gov.uk](mailto:ehadmin@shetland.gov.uk) or by calling 01595 745250.**

## **Payment**

Please see Note 6 and 7 for details on how much you have to pay for this application, and further advice on how to pay.

## **Application 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 or dishonesty, violence, drugs, discrimination, firearms, or sexual offences,
- 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, Shetland Islands Council 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, however 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 the 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 liferent
- 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 that faith
- occupied only by members of a religious order
- let to members of the landlord's family only
- 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**

(a) Any spent or unspent convictions for offences involving:

- fraud / dishonesty
- violence
- drugs
- discrimination
- firearms (within the meaning of section 57 (1) of the Firearms Act 1968 (c.27))
- sexual offences (within the meaning of section 210A (10) of the Criminal Procedure (Scotland) Act 1995 (c.46))
- contravention of housing law (For further details on housing legislation, please see <http://www.legislation.gov.uk/browse/uk>)

Any court or tribunal judgements under:

- Housing law
- Landlord and tenant law
- Discrimination legislation. i.e.
  - ❖ The Equal Pay Act 1970 (c.41)
  - ❖ The Sex Discrimination Act 1975 (c.65)
  - ❖ The Race Relations Act 1976 (c.74),
  - ❖ The Disability Discrimination Act 1995 (c.50),
  - ❖ The Equality Act 2010 (c.15)
  - ❖ The Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661) or
  - ❖ the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660).

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

(b) A Repairing Standard Enforcement Order made under s24 (2) of the Housing (Scotland) Act 2006.

(c) An Antisocial Behaviour Order (ASBO), or interim order, within the meaning of Part 2 of the Antisocial Behaviour etc. (Scotland) Act 2004 served on you, or a tenant residing at any of your properties.

(d) An Antisocial Behaviour Notice (ASBN), within the meaning of Part 7 of the Antisocial Behaviour etc. (Scotland) Act 2004 served on you or any of your properties.

#### **Note 4**

There are various types of qualification or permission to let houses, 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 under part 5 of the Housing (Scotland) Act 2006. 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 5**

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 6**

The fees for a registration application are made up of **principal fees** for each person applying, and a **property fee** for each property listed.

### **Principal fees**

£55 for the main applicant

### **Property fees**

£11 for each property.

### **Additional fee – Late applications**

If the local authority has issued two separate requests for an application to be made, applicants will be charged a penalty fee of **£110** as well as the principal fee of **£55**.

### **Agent fee**

Where a landlord uses a managing agent who has not applied for registration, the landlord will be charged a principal fee of **£55** for the agent. This is to allow the local authority to determine if that agent is fit and proper.

### **Fee Exemptions**

- Charities – Registered charities are exempt from paying both the principal fee and property fee although they are still required to register.
- Joint Owners – Where there is more than one owner of a property, one of the owners will be designated the 'lead owner'. The lead owner is responsible for paying the principle fee and the property fee; joint owners pay no fees, unless they are also a lead owner.
- HMO Licence Holders – Where an application is submitted by a person who holds a valid HMO Licence from Shetland Islands Council there is no principal or property fee to be paid. If the landlord also rents out non HMO properties a fee of £11 per property must be paid.

### **Fee Discounts**

- Charities receive 100% discount and therefore do not pay a principal or property fee.
- When applying online, applications submitted to more than one local authority will receive a 50% discount of the principle fee (£27.50 per consecutive authority).

If you are unsure how much your fee will be, please contact Shetland Islands Council on 01595 745250.

## **Note 7**

Please note that your application is not valid until payment has been received by Shetland Islands Council. If you let property without making payment, you will be committing a criminal offence.

You can pay your application fees in the following ways:

### **Online**

**Please note that you have to register online to use this facility.** This is also the only available method of payment if you register online.



Visit [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk) - payment can be made by credit or debit card using the secure server; you can print a copy of the payment for your own records.

We recommend that landlords keep a full record of all registration payments made. By registering online, the total amount payable (a full purchase summary detailing all the submitted fees and discounts where applicable) will be calculated automatically.

### **By post (cheque or postal order)**

You can send a cheque or postal order with your completed application form. Please make cheques payable to Shetland Islands Council, and write your name, address and landlord registration number if you have one, on the back of any cheque payments.

If someone else is paying on behalf of the registered lead landlord, please ask the agent, friend or family member to write down who they are paying on behalf of, or provide details of the registration numbers if known. This allows us to identify the purchaser for each landlord and link the payment directly to the correct landlord.

Application forms must be sent with full payment to:

Shetland Islands Council  
Environmental Health  
Old Anderson High School  
Lovers Loan  
Lerwick  
Shetland  
ZE1 0BA