

This information should be read in conjunction with the Application Form for registration as a landlord with Dumfries and Galloway Council. There are notes at the end to help you. For more information or advice, please contact Dumfries on 01387 273164

Payment must be made at the time of application. The principal fee for registration is £55 plus £11 per property. Cheques should be made payable to Dumfries and Galloway Council. You can also apply online at www.landlordregistrationscotland.gov.uk.

Registration lasts for 3 years from the date an application is approved.

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 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' before you invest in property for let.

Making Application

You will need to have the following information to help complete the application form:

- 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 you hold in Scotland (if applicable)
- details of any registration or licence 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)

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.

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 information described in the making application section available.

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

Family members who hold a power of attorney for the landlord should register as a joint owner. There will be no fee in these circumstances.

Useful information

If a property is jointly owned then a 'lead' owner should be designated by the owners. 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 Letting Agents

If you use a Letting Agent to manage any of your properties, you will need to ask your Letting Agent to provide their details.

Information regarding Scottish Letting Agent registration can be found at

<https://lettingagentregistration.gov.scot/>

Application Notes

Note 1

To be registered, landlords 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
- in addition, 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, Dumfries & Galloway Council will also take account of any other relevant information they hold about you. They will make a balanced judgement based on 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.

Note 5

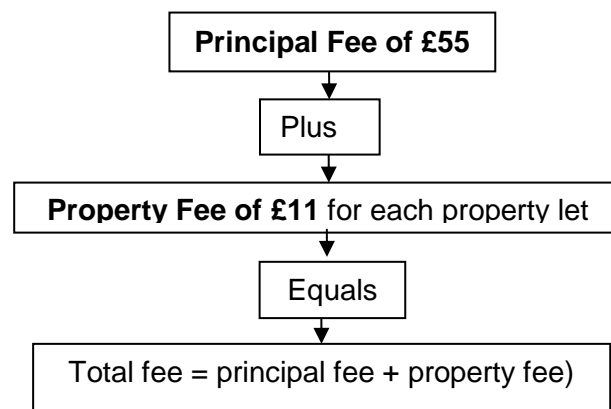
A property may be a House in Multiple Occupation (HMO) if:

- 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.



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** if they fail to apply/renew timeously.

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 Dumfries & Galloway 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

- Applying online provides a 10% discount on the total fee.
- 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).**

Note 7

Please note that your application is not valid until payment has been received by Dumfries & Galloway 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:

Maestro / Switch / Delta / Mastercard/Visa.

By phoning Dumfries on 01387 273164.

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 - 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 Dumfries & Galloway 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 whom 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:

Dumfries & Galloway Council
Communities
Strategic Housing
Municipal Chambers
Buccleuch Street
Dumfries
DG1 2AD

Telephone: 01387 273164

You must inform Dumfries and Galloway Council of any changes to the details entered on the form at any time whilst your application is being processed and during the 3 years of registration. It is an offence to fail to notify changes to the information to your Local Authority.