



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 expired Registration as a landlord or a non-commercial agent with Moray Council.

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.

The principal fee for registration is £75 plus £17 for each property that you let. The application will not be accepted unless accompanied by the correct fee. Any renewal applications submitted after the expiry date will also be charged a late application fee of £149. This fee will be payable by all applicants including joint owners who apply after their registration has expired.

All joint owners must complete their own individual application for Registration using a separate application form if they are not currently registered.

Please see Note 1 for detailed fee information.

You can Register if you do not own any property to show that you are 'fit and proper' to act as a landlord, or before you invest in property for let.

The completed form, including your cheque or postal order made payable to Moray Council should be returned to the address below. Please write your name, address and Landlord Registration number if you have one on the back of any cheque/PO payments.

Moray Council
Development Services
Environmental Health
Council Office
High Street
ELGIN
Moray
IV30 1BX

Telephone : 0300 1234 561

Email: Landlord.registration@moray.gov.uk

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.

Moray 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, or by emailing Landlord.registration@moray.gov.uk or by calling Moray Council on 0300 1234 561

If your application is refused, any fees paid will not be reimbursed.

Failure to renew before the expiry date is a criminal offence and may result in an additional late application fee and a Rent Penalty Notice being served. The effect of this Notice is that you, and your agents working on your behalf, will not be entitled to claim rent from the tenants of your let property.

A report can also be sent to the Procurator Fiscal, which can lead to prosecution.

Guidance Notes

Note 1 – Charges for Landlord Registration

The Registration fee is broken down into principal fee and property fee. Some exemptions and discounts are applied, depending on your circumstances.

Principal fee

If you are a landlord or agent, you will be charged a principal fee of £75 for each Local Authority. In the following cases a discount is applied to the principal fee.

| Type of Application | Discount |
|--|--|
| An online application which includes more than 1 Local Authority | A 50% discount is applied to the principal fee for all online applications, by each Local Authority |
| If any of the properties in an application in the same Local Authority has a HMO licence | A 100% discount of the principal fee is applied |
| Where a valid registration or application already exists, and you then apply online to another Local Authority | A 50% discount is applied to the principal fee on any online applications to other Local Authorities and also on all future renewals |

| Type of Application | Discount |
|--|--|
| Where there are joint owners for a property only the first owner (lead owner) pays the principal fee | A 100% discount on the principal fee is applied to any additional joint owner applications for that property |
| On an application submitted by a registered Scottish charity | A 100% discount is applied to the principal fee |

Property fee

You will be charged a property fee of £17 for each property you register unless the following discount are applicable.

| Type of application | Discount |
|--|--|
| If a property has a current valid HMO licence | A 100% discount is applied to the property fee |
| If there is more than one owner, and another joint owner has already been charged or paid the Property fee | A 100% discount is applied to the property fee for all subsequent joint owner applications |

Unregistered agent fee

If someone manages your property for you without payment, their details must be noted on your Registration. They must also hold a landlord registration and will be charged the principle fee, unless they have their own separate Registration.

(see note 4 for further information regarding the registration of agents)

Late application fee

A renewal application must be submitted prior to the expiry date of any current applications, the late application fee of £149 will be applied to any applications received after the expiry date. Every 3 years you must renew your Landlord Registration. Using the email address that you provided in the application process, we will email you a reminder 3 months and 1 month before it is due to expire. If you have not provided an email address, reminders will be issued using other contact details you have provided. It is important that you keep your contact details up to date at all times.

If you are an Unregistered Landlord and you fail to register or renew after receiving two requests from the Local Authority to apply you will be charged a late application fee.

Note 2 - Joint owners

All joint owners must complete their own individual application for Registration/ renewal using a separate application form if they are not currently Registered.

Note 3 – Houses in multiple occupation

A property is a house in multiple occupation (HMO) if:

- at least 3 or more unrelated people live in the same property, and
- they share a kitchen, bathroom or toilet

If you think your property is an HMO and you don't have a Licence, contact Moray Council.

Note 4 - 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
- a family member who manages the property on your behalf
- 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.

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. This information is required for any application received after 16 September 2019.

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. Please disregard the numbering, this is used in conjunction with your main application form.

Question 4 – the Tolerable and Repairing standards

As a landlord, please confirm you understood 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

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 1 - about your application

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 an individual

Personal details

First name (s)

Last name

Other names by which you may be known

Date of Birth for example 03 09 1980

Day

Month

Year

Email address

Mobile Number (or landline)

Question 2b - only complete if an organisation

Organisation details

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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 organization.

| Address (history for last 5 years) | Postcode | Date from | Date to |
|--|----------|-----------|---------|
| Please begin with the current address: | | | |

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
- Sexual offences within the meaning of section 210a of the Criminal Procedure (Sc) Act 1995
- Housing law

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

- housing law
- landlord and tenant law
- discrimination legislation, for example: Equality Act 2010
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Antisocial behaviour

☐

Yes (provide details below)

☐

No (go to question 5)

If you are not sure whether the conviction or judgement is relevant, add it and we will ignore any which aren't relevant to your application. If you are unsure whether you need to declare a conviction or court or tribunal judgement found against you, please contact Moray Council for advice.

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

Question 5 – Antisocial Behaviour Orders (ASBOs)

Have you or your tenants ever been served with an ASBO

☐

Yes (provide details below)

☐

No (go to question 6)

| Date | Court | Local Authority | Was it you, your tenant or their visitor who was served with the Order? |
|------|-------|-----------------|---|
| | | | |
| | | | |

Question 6 – Antisocial Behaviour Notices (ASBNs)

Have you or your tenants ever been served with an ASBN

☐

Yes (provide details below)

☐

No (go to question 7)

| Date | Local Authority and property address |
|------|--------------------------------------|
| | |
| | |

Question 7 – licences, registration and accreditations

Part a – do you hold any licences, registrations or accreditations

☐

Yes (provide details below)

☐

No (go to part b)

Do not include HMO licenses, we will ask about them separately

| 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 (provide details below)

☐

No (go to question 8)

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

Question 8 – about your rental properties

Please use this section to enter details of each of your properties

Address and postcode of rental property 1

Is this property jointly owned?

(see note 2 for important information)

☐ Yes – please provide details below ☐ No

Name and address of joint owner :

Joint owner registration number :

Is this property a house in multiple occupation (HMO)?

(see note 3 for important information)

☐ Yes – please provide details below ☐ No

HMO Licence number :

HMO Licence expiry date :

Does this property have a Repairing Standards Enforcement Order (RSEO)?

☐ Yes – please provide details below ☐ No

RSEO reference number :

Does an agent manage this property on your behalf?

(see note 4 for important information)

☐ Yes – please provide details below ☐ No

Scottish Letting Agent Registration Number :

Name and Address of agent :

Address and postcode of rental property 2 (if applicable)

Is this property jointly owned?

(see note 2 for important information)

☐ Yes – please provide details below ☐ No

Name and address of joint owner :

Joint owner registration number :

Is this property a house in multiple occupation (HMO)?

(see note 3 for important information)

☐ Yes – please provide details below ☐ No

HMO Licence number :

HMO Licence expiry date :

Does this property have a Repairing Standards Enforcement Order (RSEO)?

☐ Yes – please provide details below ☐ No

RSEO reference number :

Does an agent manage this property on your behalf?

(see note 4 for important information)

☐ Yes – please provide details below ☐ No

Scottish Letting Agent Registration Number :

Name and Address of agent :

Address and postcode of rental property 3 (if applicable)

Is this property jointly owned?

(see note 2 for important information)

☐ Yes – please provide details below ☐ No

Name and address of joint owner :

Joint owner registration number :

Is this property a house in multiple occupation (HMO)?

(see note 3 for important information)

☐ Yes – please provide details below ☐ No

HMO Licence number :

HMO Licence expiry date :

Does this property have a Repairing Standards Enforcement Order (RSEO)?

☐ Yes – please provide details below ☐ No

RSEO reference number :

Does an agent manage this property on your behalf?

(see note 4 for important information)

☐ Yes – please provide details below ☐ No

Scottish Letting Agent Registration Number :

Name and Address of agent :

| |
|---|
| Address and postcode of rental property 4 (if applicable) |
| Is this property jointly owned? (see note 2 for important information) <div style="margin-top: 10px;"> <input type="checkbox"/> Yes – please provide details below <input type="checkbox"/> No </div> <div style="margin-top: 10px;"> Name and address of joint owner : </div> <div style="margin-top: 10px;"> Joint owner registration number : </div> |
| Is this property a house in multiple occupation (HMO)? (see note 3 for important information) <div style="margin-top: 10px;"> <input type="checkbox"/> Yes – please provide details below <input type="checkbox"/> No </div> <div style="margin-top: 10px;"> HMO Licence number : </div> <div style="margin-top: 10px;"> HMO Licence expiry date : </div> |
| Does this property have a Repairing Standards Enforcement Order (RSEO)? <div style="margin-top: 10px;"> <input type="checkbox"/> Yes – please provide details below <input type="checkbox"/> No </div> <div style="margin-top: 10px;"> RSEO reference number : </div> |
| Does an agent manage this property on your behalf? (see note 4 for important information) <div style="margin-top: 10px;"> <input type="checkbox"/> Yes – please provide details below <input type="checkbox"/> No </div> <div style="margin-top: 10px;"> Scottish Letting Agent Registration Number : Name and Address of agent : </div> |

Please copy this page as required if you have more than 4 properties.

Question 9 – the public Register

Please choose the address you wish to show on the public Register?

This will be the address made available on www.landlordregistrationscotland.gov.uk

☐

Your contact address

☐

Your agent's address

☐

a different address (please provide details below)

Please note, the Council will primarily use your email address to contact you

☐

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 <https://www.mygov.scot/renting-your-property-out/>.

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.

Signed

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Date

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**Print
name**

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PRIVACY NOTICE

Private Landlord Registration

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the information being collected.

Why we are collecting your personal information

The Council is required to prepare and maintain a register of landlords under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 ("the 2004 Act"). The Council will collect personal information when you complete a Landlord Registration application form. This information is being collected in order for the Council to determine whether you are "fit and proper" to let residential property in Scotland, in fulfilment of the Council's duties under Part 8 of the 2004 Act.

We may also use the information provided to:

- contact you regarding your application, and, renewing an existing registration;
- contact you regarding your landlord registration, such as to advise of legislative changes, inform you of the decision to revoke a registration.

The Council's register is part of the Scottish Landlord Register, an online register provided by the Scottish Government and hosted by Registers of Scotland on behalf of local authorities in Scotland. This is a [public register](http://www.landlordregistrationscotland.gov.uk), available at www.landlordregistrationscotland.gov.uk. [Landlord contact details, details of registration refusal or revocation, and, Repairing Standard Enforcement Orders are visible on the register](#).

The form will ask for personal information including your: name; address history; contact telephone/mobile number(s); email address; age; date of birth and landlord registration information.

The form will also ask you to provide details about the management and ownership of the property, details of licences, registration or accreditations related to the letting of houses held, refused or revoked and details of any Repairing Standards Enforcement Orders. If you are applying on behalf of an organisation, the form will ask for a company registration number, or charity number.

Details of convictions and relevant tribunal judgements against you, including whether you or any tenant(s) residing at any of your properties have ever been served with an Antisocial Behaviour Order will also be collected.

Why other organisations may give us your personal information

We will receive personal information about you if you have applied for Landlord Registration within Moray via the Scottish Landlord Registration Scheme (www.landlordregistrationscotland.gov.uk). [This scheme is provided by the Scottish Government and hosted by Registers of Scotland on behalf of Moray Council.](#)

[We may also receive personal information about you from other Local Authorities and Police Scotland as part of the registration process.](#)

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(c) of the United Kingdom General Data Protection Regulation (UK GDPR) as the processing is necessary for compliance with a legal obligation; and Article 6(1)(e), because your personal information is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council. The Council is legally required to

maintain a register of private landlords under the 2004 Act. If you do not provide the information requested, the Council will be unable to add you to the register of landlords, and it is a criminal offence to rent out a property without registering with the Council.

As part of the application, information about relevant criminal convictions and tribunal judgements will also be processed. The Council's legal basis in data protection law for processing this information is set out under Article 10(1) of the UK GDPR; as the processing is authorised by domestic law, in this case - the Antisocial Behaviour etc. (Scotland) Act 2004.

Who we share your information with

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council departments where applicable.

The Council may share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

Under section 139 of the 2004 Act, the Council may share the information you provide with relevant authorities, including other local authorities, registered social landlords, and, authorities administering Housing Benefit or Universal Credit.

As part of the processing, your personal data may also be shared with third parties including Police Scotland, the Scottish Fire and Rescue Service and the Scottish Government. The Scottish Government may contact you regarding issues affecting the Private Rental Sector.

Information you give us about other people

If you provide information about other people on the application form, please make sure that you inform them that you have given their information to Moray Council. We will only use this information to process the registration application.

How long the information is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: http://www.moray.gov.uk/moray_standard/page_92820.html (under Section 5 of the Records Management Plan).

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

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. To update your personal information, please email landlord.registration@moray.gov.uk or contact us by phone at:

0300 1234 561.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: http://www.moray.gov.uk/moray_standard/page_41220.html. Alternatively, email the Council's Data Protection Officer at: dataprotection@moray.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113 Website: <https://ico.org.uk/>