

APPENDIX II

There are several types of breaches and accompanying sanctions available in Part 8 of the 2004 Act:

Breach	Sanctions available if judged appropriate
Failure to register whilst continuing, or attempting, to let a residential property	Guilty of an offence. <ul style="list-style-type: none">• Report to the Procurator Fiscal• Rent Penalty Notice may be served
Provision of false information or failure to include required information in an application form	Guilty of an offence. <ul style="list-style-type: none">• Report to the Procurator Fiscal• Refuse registration if judged not to be a fit and proper person• Refuse the application and issue a Rent Penalty notice
Non-registered owner communicates with a person about taking a lease or occupancy of a house	Guilty of an offence. <ul style="list-style-type: none">• Report to the Procurator Fiscal
Failure by a registered person to notify changes in circumstances	<ul style="list-style-type: none">• Review fit and proper person requirements and remove from register if judged no longer to be a fit and proper person
Registered person found to be no longer a fit and proper person	<ul style="list-style-type: none">• De-register /remove from register
De-registered person continues to let a property	Guilty of an offence. <ul style="list-style-type: none">• Report to the Procurator Fiscal Rent Penalty Notice may be served
Registered landlord's agent found to be not fit and proper	<ul style="list-style-type: none">• Landlord's name removed from the register