



Law Society
of Scotland

Consultation Response

Consultation on landlord registration applications and fees

June 2017



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Property and Land Law and Consumer Law sub-committees welcome the opportunity to consider and respond to the Scottish Government's consultation on landlord registration applications and fees.¹ We do not seek to respond to the consultation questions, however the sub-committees have the following general comments to put forward for consideration.

General comments

We note the additional requirements proposed in the consultation in terms of information to be provided by landlords at registration. We recognise the importance of consumer protection in the context of letting, particularly given the increase in the number of rented properties in recent years. It is essential that landlords are aware of their responsibilities and a requirement to provide such information at registration is likely to assist in raising awareness of responsibilities among those who are not presently aware. This will help ensure that properties are subject to good management.

Properties which are to be rented in the private sector should be safe and of good quality. A strong regulatory regime may be able to assist with this, although it must be recognised that on occasion, a failure to adhere to regulatory rules may not be intentional on the part of the landlord, and in itself, may not mean that a property is not safe or of good quality.

We consider it important that the extent of regulation on landlords is proportionate so as not to impose an undue burden on those renting property, while balancing the need for protection of the consumer. It is crucial to any system of regulation that individuals are aware of the requirements upon them to provide information and adhere to legal requirements. The practicality of the information being provided should also

¹ <https://consult.gov.scot/landlord-registration/registration-fee/>

be considered - for example, will hard copy certificates be required or will electronic confirmation be sufficient? As highlighted in the consultation document, it will also be necessary for provision to be made to allow landlords to state why a duty does not apply to them and/or their property.

We do not seek to comment on the proposed fees themselves. We do note that generally it is appropriate for such fees to be proportionate with the costs involved in processing an application.

For further information, please contact:

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