



S R P B A

SCOTTISH RURAL PROPERTY AND BUSINESS ASSOCIATION

Jackie McCreery WS
Phil Rowsby

Rural Workshop

- Jackie McCreery WS,
SRPBA Director of Policy &
Parliamentary Affairs
policy@srpba.com
- Phil Rowsby,
SRPBA Housing Strategy Officer
housingstrategy@srpba.com



Registration and Repairing Standard - farms and estates

- Tied Houses
- Houses for retired employees
- Holiday Lets
- Houses on tenanted farms
- Other rented houses



Registration

- Antisocial Behaviour etc (Scotland) Act 2004, as amended by:-
 - ◆ The Private Landlord Registration (Modification) (Scotland) Order 2005
 - ◆ Housing (Scotland) Act (s176)
- Penalties
 - ◆ Fine by Sheriff (up to £5000) and/or
 - ◆ Rent Suspension by local authority

Repairing Standard

- **Housing (Scotland) Act, Part 1**
 - ◆ Wind & water tight
 - ◆ Structure and exterior in reasonable state of repair
 - ◆ Water, gas, electricity, sanitation, heating installations in reasonable repair and good working order
 - ◆ Any fixtures and fittings provided in reasonable state of repair and proper working order
 - ◆ Any furnishings are safe
 - ◆ Satisfactory provision for detecting or warning of fires

- **Penalties:-**
 - ◆ Enforcement Order
 - ◆ Rent Relief Order
 - ◆ Fine (up to £1,000)



Tied Housing

- Service Tenancy or Service Occupancy?
- Registration – duty of owner to register all houses subject to :-
 - ◆ A lease or
 - ◆ An occupancy arrangementby virtue of which an unconnected person may use the house, unless exempt.
- Repairing Standard – applies to tenancies including occupation of living accommodation by a person under that person's terms of employment, but not any other occupancy arrangement. Limited exemptions.



Houses for Retired Employees

- Registration – not exempt unless a “liferent” in title
- Repairing Standard – exempt if an occupancy arrangement i.e. not a tenancy and not occupied under terms of employment

Holiday Lets

- Registration – exempt if a genuine holiday let.
HM Customs & Revenue guidelines:-
 - ◆ available for let at least 140 days per year
 - ◆ Used for holiday let for at least 70 days
 - ◆ For at least 7 months of the year must not normally be in same occupation for more than 31 days
- Repairing Standard – exempt as an “occupancy arrangement”

Tenanted farms - registration

- House occupied by tenant farmer is exempt
- Other houses must be registered by the owner
- Tenant farmer's details given as point of contact

Tenanted farms – repairing standard

- Duty owed by the landlord under the relevant tenancy (s 14).
- Exemptions (s 12):-
 - ◆ Tenancy of house on land comprised in an agricultural holdings lease and occupied by the tenant of the lease;
 - ◆ Tenancy of house on a croft
 - ◆ Tenancy of house affected by Small Landholders Acts
- Repairing leases (s 16)
- Sub-let cottages
 - ◆ Duty owed by tenant farmer to occupier
 - ◆ No duty owed by landowner to occupier
 - ◆ Duty owed by landowner to tenant farmer? Under discussion
- Obligations under Agricultural Holdings Acts for fixed equipment

Registration – general

- **Joint owners**

 - Each needs registered separately

 - “Lead owner” if same family. Discounted fee.

- **Trustees**

 - Register individually

 - “Lead trustee” and discounted fee.

- **Companies, partnerships etc.**

 - Register as a legal entity with appointed agent

Further Information

- www.srpba.com
- www.scotland.gov.uk/topics/housing/housing/16193/privaterenting/registrations/introduction
- www.betterrentingscotland.com





S R P B A

SCOTTISH RURAL PROPERTY AND BUSINESS ASSOCIATION

Jackie McCreery WS
Phil Rowsby