

Prescribed Information

The Scottish Government's 'Prescribed Information' legislation began on 16 September 2019. This means that when you are either applying online for Registration for the first time, or renewing your Registration online you will be required to complete a series of questions called 'Your Obligations'. This section includes questions about the following 12 'landlord obligations' and requires applicants to answer YES / NO / NOT APPLICABLE.

- Gas safety
- Electrical safety
- Electrical appliance test
- Fire, smoke and heat detection
- Carbon monoxide detection
- Public water supply
- Private water supply (if not supplied by Scottish Water)
- Energy performance
- Legionella risk assessment
- Rental property insurance
- Common repairs
- Tenancy deposit

Each question includes advice about these obligations and in most cases the required answer is YES, ie. the applicant already holds a current Gas Safe certificate, PAT certificate, etc.

Since the introduction of the legislation, approx. 40% of all registration applications received by Aberdeen City Council have been put on hold because applicants have ticked NO or NOT APPLICABLE to obligations that are required.

The Landlord Registration Team are contacting these applicants to query their answers as applications cannot be approved until a satisfactory explanation and/or a copy of the relevant certification is submitted to the Council.

One obligation that is causing confusion is the requirement to carry out a Legionella Risk Assessment on the rental property, and as a result, applicants are answering NO or NOT APPLICABLE whereas the answer should always be YES if applicants are already letting property.

The following information about Prescribed Information is what is currently available as part of the national online Landlord Registration system (www.landlordregistrationscotland.gov.uk) :

Your obligations

We want to ensure Landlords are undertaking their rental property obligations. It's not a new regulation and most of you will be completing these. The maximum 12 questions that follow will help you check if all your obligations are being actioned. If you answer no, we won't stop you progressing. Instead your Local Authority may contact you with regard to a no answered question.

Before you start you'll need to find any relevant documents and certificates for your rental property or speak to your letting agent to confirm these obligations have been completed.

If you need to discuss your rental obligations with a letting agent, this list of subjects for the maximum 12 questions which follow may help;

- Gas safety
- Electrical safety
- Electrical appliance test
- Fire, smoke and heat detection
- Carbon monoxide detection
- Public water supply
- Private water supply (if not supplied by Scottish Water)
- Energy performance
- Legionella risk assessment
- Rental property insurance
- Common repairs
- Tenancy deposit

Gas safety

It must be renewed annually.

Gas safety

There were 5,310 reported fires in dwellings (e.g. houses, flats and maisonettes) in 2017/18 in Scotland. Fires can have a devastating effect on the lives of people and resulted in around 44 deaths and 1,113 injuries in 2017/18. According to national fire statistics dwelling fires in which smoke alarms raise the alarm continue to:

- be discovered more rapidly (less than 5 minutes) after ignition; and
- be associated with lower fatal casualty rates.

Source - Scottish Government

As a landlord it is a legal requirement to provide a Gas Safety Certificate for your property for the current year and to check and retain your gas certificate for the previous 2 years. This certificate confirms that the gas installation is safe and all gas appliances are safe and free from danger.

Many homes are supplied with gas for heating, hot water and for cooking. Whilst these appliances are highly convenient, if not well maintained, they can become dangerous. A regular gas safety check can ensure there is no risk to the occupants due to the gas supply, and that all pipework, flues and appliances are installed and maintained correctly.

If you rent a property, you are legally obliged to commission an annual gas safety check.

Is this question applicable to you?

This question will always be applicable to you if your properties have a gas supply or appliances. It is only not applicable if you:

- Currently have no properties
- If your properties have no gas supply or gas appliances

Electrical Installation Condition Report (EICR)

It must be renewed every 5 years.

Electrical Installation Condition Report (EICR)/Electrical Installation Certificate (EIC)

According to Scottish Government statistics, 69% of all the accidental fires in Scottish homes (more than 3,400 annual) are caused by electricity.

As a landlord you are required to ensure that regular electrical safety inspections are carried out by a competent person, and that anything that fails to pass the inspection is replaced or repaired immediately.

As a minimum, an electrical safety inspection must be carried out:

- Before a tenancy starts, and
- During the tenancy, at intervals of no more than 5 years from the date of the previous inspection.

A copy of the most recent electrical safety inspection reports must be provided to both new and retained tenants.

The landlord is responsible for ensuring the person completing an EICR/EIC is suitably competent.

Using members of an accredited registration scheme operated by a recognised body will give some degree of confidence that this has been achieved.

Is this question applicable to you?

This question will always be applicable to you if your properties have electricity. It is only not applicable if you:

- Currently have no properties
- If your properties have no electricity

Electrical appliance test (PAT)

As a maximum PAT must be conducted every 5 years.

Electrical appliance test obligations

Independent research carried out by Electrical Safety First indicates that private tenants are more likely to be at risk of electric shock or fire caused by electrical appliances than owner occupiers. For more information visit their website <https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/>

Portable Appliance Testing or PAT Testing is the process of checking electrical appliances for safety through a series of visual inspections and electronic tests.

The best way of ensuring that your appliances are safe is to have a PAT test carried out on them. This is a good way for you as a landlord to ensure that you are meeting your legal obligation to maintain high standards of electrical safety in your rented property.

Is this question applicable to you?

This question will always be applicable to you if your properties have electrical appliances. It is not applicable if you:

- Currently have no properties
- You have not supplied electrical appliances in your rental properties

Fire, smoke and heat detection

Fire, smoke and heat detection

There were 5,310 reported fires in dwellings during 2017/18 in Scotland, rapid detection of fires has a big impact on the safety of people.

As a landlord it is your responsibility to comply with the repairing standard order concerning fire, smoke and heat alarms. In order to comply there should be at least:

- one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes (normally the living room/lounge),
- one functioning smoke alarm in every circulation space on each storey, such as hallways and landings, or in main room if no landing in upper storey,
- one heat alarm in every kitchen,
- all alarms should be ceiling mounted, and
- all alarms should be interlinked.

For further detailed information please see <https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

Is this question applicable to you?

This question will always be applicable to you if you currently rent out a property. It is not applicable if you currently have no properties.

Carbon monoxide detection

Carbon monoxide statutory guidance

Carbon monoxide is a colourless, odourless and tasteless gas. Low levels of CO gas can be present in the atmosphere. It is highly toxic and dangerous to humans and animals in higher quantities. The gas is produced in high levels from appliances where incomplete combustion of a carbon based fuel occurs. Incomplete combustion could occur in appliance installations that are defective, lack proper maintenance or have inadequate provision for combustion air. Where CO gas occurs within a building early detection and warning can play a vital role in the protection and safety of the occupants. This is particularly important in buildings with sleeping accommodation.

In order to alert occupants to the presence of levels of CO gas which may be harmful to people, you as a private landlord have an obligation to ensure that a detection system is installed in all properties you rent where there is:

- fixed combustion appliance (excluding an appliance used solely for cooking) or
- a fixed combustion appliance in an inter-connected space, for example, an integral garage
- a combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) - the CO detector should be sited outside the room as close to the appliance as possible

CO detectors should be powered by a battery designed to operate for the working life of the detector. The detector should incorporate a warning device to alert the users when its working life is due to expire and should be replaced on or before the expiry date. Hard wired mains operated CO detectors with fixed wiring (not plug in types) may be used as an alternative, provided they are fitted with a sensor failure warning device.

For further information please visit <https://www.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/>

Is this question applicable to you?

This question will always be applicable to you if your properties have appliances that use carbon based fuel. It is not applicable if you:

- Currently have no properties
- If your properties have no appliances that use carbon based fuel

Public water supply

Water supply

As a landlord in Scotland you will find most of your properties are supplied by Scottish Water. Approximately 3% of the Scottish population uses a private water supply for drinking water. Many more people encounter private supplies in remote parts of Scotland.

The water intended for human consumption (Private Supplies) (Scotland) Regulations 2017 came into force in October 2017, and are regulated and enforced by the local authorities.

The main objective of the regulation is to ensure the provision of clean, safe drinking water and to deliver significant health benefits to those using private water supplies.

For further information please visit <http://dwqr.scot/private-supply/regulatory-information/>

Is this question applicable to you?

This question will always be applicable to you if your property has a water supply, it is not applicable if you currently have no properties

Private water supply

Water supply

As a landlord in Scotland you will find most of your properties are supplied by Scottish Water. Approximately 3% of the Scottish population uses a private water supply for drinking water. Many more people encounter private supplies in remote parts of Scotland.

The water intended for human consumption (Private Supplies) (Scotland) Regulations 2017 came into force in October 2017, and are regulated and enforced by the local authorities.

The main objective of the regulation is to ensure the provision of clean, safe drinking water and to deliver significant health benefits to those using private water supplies.

For further information please visit <http://dwqr.scot/private-supply/regulatory-information/>

Is this question applicable to you?

This question will always be applicable to you if your properties have a private water supply. It is not applicable if you currently have no properties

Energy performance

Energy performance

The Scottish Government is committed to improving the energy efficiency of homes in the private rented sector and on 2 May 2018 announced minimum energy efficiency standards for private rented properties. The standards form part of the Energy Efficient Scotland programme which aims to ensure homes and buildings are warmer, greener and more efficient. You can read more about this programme in the Energy Efficiency Scotland route map <https://www.gov.scot/publications/energy-efficient-scotland-route-map/>

Energy Performance Certificates (EPCs) provide information on how energy efficient your building is, and how it could be improved. Buildings are rated on a scale from A to G, with A being the most efficient. Information is also provided on measures which could be made to improve the energy efficiency and an indication of the cost for each improvement.

Landlords must produce an EPC when a property is being rented to a new tenant.

Is this question applicable to you?

This question will always be applicable to your properties. It is not applicable if you have no properties

Legionella risk assessment

Legionella assessment

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All water systems can provide an environment where Legionella may grow.

The landlord has a duty to ensure a legionella risk assessment is carried out on their properties. This is to help guard their tenants against any risk of getting the illness from contaminated water.

For more information please see <https://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

Is this question applicable to you?

This question will always be applicable to your properties. It is not applicable if you have no properties

Rental property insurance

Rental property insurance

If renting out a property in Scotland in some circumstances you will be responsible for insuring the reinstatement of the building housing the tenement/flat.

Tenements and flats must be insured, these are defined as buildings with two or more properties that are divided from each other horizontally.

For example: split villas and blocks of 4 flats must be insured, semi detached houses and terraced houses do **not** need to be insured by the landlord.

The Tenement Scotland Act outlining the full details came into force in 2004 <https://www.legislation.gov.uk/asp/2004/11/contents>

Is this question applicable to you?

This question will always be applicable to your properties. It is not applicable if you:

- Currently have no properties
- You do not live in a flat/tenement

Common repairs

Common repairs

As a landlord you are responsible for repairing common areas, for example:

- the ground (solum) on which your building stands (but not always the garden)
- the foundations
- the external walls - but individual owners are responsible for the part of these walls that lies in their flat
- the roof (including the rafters)
- other structural parts of the building such as beams, columns and load bearing walls
- the close and stairs (when they are not mutual)
- staircases in blocks of flats.

In some cases a property factor may have been employed to take charge of repairs and maintenance of a block of flats or a tenement. Even in this case ultimate responsibility still sits with the Landlord.

To find out exactly what applies in your building, you need to read your Title Deeds.

You can find a copy of your title deeds at <https://scotlis.ros.gov.uk>

For further information please visit: <https://www.gov.uk/private-renting/repairs>

Is this question applicable to you?

This question will always be applicable to your properties. It is not applicable if you:

- Currently have no properties
- You do not live in a flat/tenement

Tenancy deposit

Tenancy deposit

As a Landlord if you take a deposit from a tenant you must lodge it with one of the three government backed tenancy deposit schemes (TDP) that started after 6 April 2007:

- Letting Protection Service Scotland
- Safe Deposits Scotland
- My Deposits Scotland

The deposit must be lodged within 30 days of being received.

For more information please see: <https://www.mygov.scot/renting-your-property-out/tenancy-deposits-and-moving-in/#rent-and-deposits>.

Is this question applicable to you?

This question will always be applicable to your properties. It is not applicable if you:

- Currently have no properties
- You have not taken a tenancy deposit