



# **Feasibility Study**

## **Registers of Properties**

**(P.82/2020 & P.93/2020)**

**For**

**Office of the Chief Minister**

**Prepared by**

**Tim Baker**

**TCB Consulting Ltd.**

## Table of Contents

Introduction .....	4
Approach.....	5
Property Register – P.93/2020.....	7
Executive Summary.....	7
Summary of Proposition .....	8
Recommendation.....	9
Objective of the Register .....	11
Research other Countries .....	13
Political and Procedural Background .....	14
Register Contents.....	15
Existing Information - Information held in the Government of Jersey on Properties and their Ultimate Beneficial Ownership .....	16
Missing Information – Information not held elsewhere in the Government of Jersey .....	18
Collection and Maintenance of Information.....	19
Legislative and Data Protection Considerations .....	20
Landlord and Tenant Register - P.82/2020 .....	21
Executive Summary.....	21
Recommendation.....	22
Summary of Proposition .....	23
Objective of the Register .....	24
Research other Countries .....	25
Political and Procedural Background .....	29
Register Contents.....	31
Existing Information - Information held in the Government of Jersey on Landlords and Tenants ..	33
Missing Information – Information not held elsewhere in the Government of Jersey .....	37
Collection and Maintenance of Information.....	38
Legislative and Data Protection Considerations .....	40
Conclusion.....	43
Appendix 1 – Stakeholders consulted.....	44

Appendix 2 – Proposition P.82/2020 .....	45
Appendix 3 – Proposition P.93/2020 .....	49
Appendix 4 - Wales private landlord register application form.....	56
Appendix 5 - Scotland private landlord register application form.....	67
Appendix 6 - Northern Ireland private landlord register application form .....	77

## Introduction

The States Assembly approved the proposition P.82/2020 – Investigation into the Establishment of a Digital Register of Landlords and Tenants, brought by Deputy Huelin, on the 16th July 2020 [https://statesassembly.gov.je/AssemblyMinutes/2020/2020.07.16%20States%20Minutes%20\(pages%20343%20to%20352\).pdf](https://statesassembly.gov.je/AssemblyMinutes/2020/2020.07.16%20States%20Minutes%20(pages%20343%20to%20352).pdf).

They then subsequently approved the proposition, P.93 – Establishment of a Digital Register of all Commercial and Residential Properties, brought by Deputy Higgins, on the 24th of September 2020.

Both of these propositions were aimed at improving the availability and standard of rented dwellings in Jersey. In the two years since they were approved, the world has moved on including a change of States Assembly. The new States Assembly is focussing even more on the housing market and pricing of housing in the buying and renting markets. There is more willingness in the new Assembly to intervene if necessary and to look again at licensing landlords and to identify where properties are owned by people who are not Jersey resident, and not used for housing locals.

The current systems in Jersey lack information about housing in Jersey. There is good quality information available, which is maintained actively and improved continuously, about properties in Jersey in the form of the Jersey Land and Property Index (JLPI). Other information about housing is piecemeal in different departments. There is no central source of truth, in an electronically readable form, about the beneficial owners and tenants of property.

The register of beneficial ownership of properties can help by uncovering whether there are “big players” monopolising large parts of the housing market aiming to control sale and rental prices and whether the beneficial owners are non-locals removing housing from the stock available to locals.

The register of Landlords can provide a receptacle for all information related to landlords renting out residential property in Jersey. There is already a team in Environment and Consumer Protection, part of Infrastructure, Housing and Environment tasked with identifying landlords. Such a register could significantly help their work and start to build a unified picture of rented dwellings in Jersey.

In order to formulate a response to these requirements, and to establish the direction of travel in terms of solutions, processes and operational ownership of any register it was proposed to conduct a feasibility assessment that outlines options for a digital register of landlords and tenants and a digital register of the ultimate beneficial ownership of residential and commercial properties in Jersey by doing independent research and discussion with the stakeholders in Government.

This report is the output of that assessment after being submitted for review by all the stakeholders consulted.

## Executive Summary

Initially the assumption was that these propositions were linked or that the latter built on the former. It quickly became clear that they were completely separate but based on the same underlying register of properties. There was no mention of either in the debate about the other (except for Deputy Higgins voicing his support for Deputy Huelin's proposition in his speech). They have different objectives and deal with different information. As a result, this report deals with them separately.

There are a number of core information sets that are common to most areas of the government. The most commonly used information sets are a list of legal entities and a list of land and property. Almost every team will deal with people or places in the Island as part of their day to day operations. Each team will use this in subtly different ways and need different information attached to legal entities and land and property. For instance the passport office will hold information about passports which are owned by a legal person who has an address being a property in the island. Whilst the whole of government needs to know about legal people and properties, they don't need details of people's passports as part of their daily operational work. Traditionally, each would create their own standalone system and have their own list of legal people and land and property created and maintained in isolation for their own use. This meant that a lot of time was wasted entering this information numerous times throughout the government. Wasting time for civil servants and the general public and introducing errors and inconsistencies which made it difficult to compare information across teams or departments. Over the last 20 years, there has been a drive to separate this information out into core information and operational information with the core information held in a single source of truth register, created and maintained by a central team and accessible throughout the government and the operational information being held in the appropriate team with links to the legal people and land and property information in the core registers. It is similar to an onion with these core information sets sitting at the centre. Each team builds their layers of operational information out from the core allowing them to keep information pertaining to their every-day operations separate from the core information and invisible to other teams with a link created for legal people and land and property to the core information sets.

The government already has a register of properties held as a single source of truth available to the whole government, maintained and continuously improved. It is the Jersey Land and Property Index (JLPI) built by and maintained by the Planning department. The register records core information about land and properties but does not record ownership. Each entry is identified using a unique property registration number (UPRN). It is this UPRN that is used in operational systems to link to the core information set.

The government also has a register of legal people called Populus, created by the Addresses (Jersey) Law 2012. This contains core information about legal people and no related information. It is linked to by operational systems using the unique identifier.

The register of residential and business properties and their beneficial ownership as proposed by P.93/2020 would be a simple register of beneficial owners attached to the JLPI using the UPRN. The register of residential landlords as proposed by P.82/2020 would be a register of landlords with an associated UPRN for their address and another UPRN to record the address of the rented property. As such, there is no commonality between the two registers except the information in the JLPI which is already held in the core information set.

## Approach

The brief for this report was to look at the feasibility of Proposition P.82/2020 Investigation into the Establishment of a Digital Register of Landlords and Tenants and Proposition P.93/2020 Establishment of a Digital Register of all Commercial and Residential Properties.

For each proposition we:

- Analysed the proposals and established the objectives of the proposed register.
- Did research to establish if similar registers are in place anywhere else in the world and look at how this has been achieved and learn from any successes and failures.
- Researched the political and procedural background to the requirement
- Determined what information would be required to be maintained in the register
- Established if the required information already exists in other data sources
- Established what information was required but was not already held
- Worked out how to collect, manage and disseminate the information with due regard to data protection and other government security and operational considerations
- Worked out how to get access to existing relevant information already held
- Conducted an assessment of the data protection implications of holding and using the information in the proposed register.
- Identified changes required to existing Data Protection policies
- Identified if legislative changes are required to capture, collate and present the information
- Worked out in practical terms how the data could be obtained, maintained and published, and any associated frequencies.
- Established data and process ownership
- Put forward a proposal as to whether to proceed with a register or not based on the analysis work
- Proposed a road map for the development of the register where appropriate

The list of stakeholders consulted is in Appendix 1.

## Property Register – P.93/2020

### Executive Summary – P.92/2020

Deputy Higgins lodged proposition P.93/2020 in which he proposed creating a register of all commercial and residential properties in the island along with their beneficial ownership.

There is no operational imperative for this register. It is designed to identify if there are anti-competitive forces at work in the Jersey housing market and to support policy or legislation.

The list of commercial and residential properties is simple to get from JLPI. Ownership information could be gathered from the Rates system but there is no guarantee it is the same as the ownership information on the contract of sale held in the Public Registry. The ownership information would therefore have to be gathered from or at least checked with the contracts of sale. This would be a very time consuming and expensive task. Finding the ultimate beneficial owner for all residential and commercial properties is more complex and would require exchange of information with JFSC for non-legal entities registered in Jersey and may not be possible at all for non-Jersey owned and Share Transfer properties.

Consent to buy or rent was required under the old 1946 law. Under the new Control of Housing and Work (Jersey) 2012 Law, individuals renting or buying properties are deemed to have consent as they have to produce their registration cards before being allowed to purchase or rent. Companies still have to seek consent. In order to get consent, there are tests to see if the purchase is aligned with the best interests of the population IE to increase the pool of entitled property available, and only granted if that is the case.

The cost of setting up and running the register would be very large. There is already a legal mechanism in place to control who buys property in Jersey and there is already a lot of information available from the Statistics Unit to support policy formation and more could be requested if required. It is recommended that this register should not be developed and investigation of anti-competitive forces, if it is felt necessary, should be done by exception using an investigative approach. Any further information to support policy or legislation could be provide by the Statistics Unit.

## Summary of Proposition

The proposition made by Deputy Higgins in P.93/2020 was to:

- (a) Request the Council of Ministers to create a digital register of all commercial and residential properties in the Island that contains details of the ultimate beneficial ownership of those properties for the purposes of aiding policy formation and if necessary the regulation of housing and commercial property markets
- (b) Request that the register be operated on behalf of the States of Jersey by the Jersey Financial Services Commission
- (c) Request that the register be established by the Council as soon as possible and not later than the end of 2021

Parts (a) and (c) were approved by the States Assembly, part (b) was rejected.

Deputy Higgins explained that the price of residential property and commercial rent was too high. He wants the register to help the government better understand who owns the property to identify if prices are being increased artificially by people outside the island and wealthy people in the island buying residential property as buy to let. He was also keen to see if knowing the ownership of properties would reveal the existence of monopolies or cartels artificially driving up rents.



## Recommendation

This proposal was intended to work out if there were anti-competitive forces at work in Jersey's housing market and to provide information for policy formation and if necessary, legislation.

Building a register of all residential and commercial properties in the Island is a simple matter of identifying the correct subset of information from JLPI which is part of the planning system or CAF which is derived from it. The information in the JLPI is authoritative and is actively fed from numerous sources and updated daily.

Finding the ultimate beneficial owners of the almost 45,000 residential dwellings and commercial properties in the Island is not a simple task. Jersey has no land registry so does not have an authoritative register of property ownership. There are a number of places from which some of the information could be gathered electronically subject to data protection, legal and political issues being resolved. But it is likely that the information gathered would only capture the "normal" owners and not the ones the Minister was concerned about. It is also unlikely that the data protection legal and political issues could be resolved.

The definitive source of information about property ownership (apart from Share Transfer) in Jersey is the contract of sale available at the Public Registry and scanned onto the Pride system. To get information about the owners of properties it could be surmised from the Parish Rates system with manual input. Most entries would show the same legal person as was recorded as the purchase in the latest contract of sale held in the Public Registry but by no means all. Certainly not in the case of share transfer properties or properties leased under a contract lease.

Finding the ultimate beneficial owner requires an arrangement with JFSC who hold a register of ultimate beneficial ownership of most legal persons, but not Trusts, which may own quite a lot of property.

It is likely that any ultimate beneficial owners that were seeking to influence the market or buy large parts of the market would be more sophisticated and would either intentionally or unintentionally have complex holding arrangements that would obscure the ultimate beneficial ownership of a property. To chase these down is an intensely manual effort requiring the co-operation of the JFSC and it will be ever changing. It would be an extremely costly exercise. Every time a corporate structure is changed or the class of beneficiaries in a trust is changed for example, the information held in the register would be out of date and there would be no trigger or information feed that would prompt the updating of the register. The only way to find these changes would be to do the whole exercise again.

Deputy Higgins put forward an estimate of £500,000 to create the register and up to two permanent staff to maintain it on an ongoing basis which he proposed to finance by "charging a small sum to cover the cost of updating the register when the property changes hands".

Ever since the first introduction of a housing law, the Housing (Jersey) 1949 Law, a form of consent has been required for every natural and non-natural legal person to rent or buy a property in Jersey. Before consent is granted, the proposed transaction is tested to see if it is of benefit to the population of the Island. The tests have changed over time but there is clearly already a mechanism in place in law to control who rents and buys property in Jersey. It seems, therefore, that one of the objectives

of this legislation, supporting possible legislation, is in question as there is legislation already in place that can enforce policy.

The other objective, to provide information for policy formation, also has to be questioned as there is already the mechanism for getting information to support policy from the Statistics Unit under the Statistics and Census Law 2018. It is also unlikely that the ownership and ultimate beneficial ownership of properties could be maintained accurately enough to inform policy in any meaningful way.

If there is a real concern that foreign ownership or market manipulation is going on, it may make sense to try to identify it by exception through investigative work and potentially a one-off information gathering exercise rather than by setting up an electronic register.

The benefit of creating this register is to understand who owns each property in Jersey to understand if there are anti-competitive forces at work. The cost estimate presented by Deputy Higgins was £500,000 to set up and “one or possibly 2 additional staff” full time to maintain. Even after spending this amount of money, it is not feasible that the register could be made and kept accurate, especially in the case of the more complex beneficial ownership structures which are precisely what this register is aimed at. And the question is whether the cost is worth the benefit given the objectives are unlikely to be achieved and there is already another mechanism in place to provide the same information if and when required to support policy and possibly legislation.

## Objective of the Register

Objectives from the parts of proposition P.93/2020 put forward by the Minister for Environment, Deputy Higgins of St Helier, that were accepted.

- Build a register of all commercial and residential properties in the Island
- Record beneficial ownership of those properties
- Aid policy formation and if necessary regulation of the residential housing and commercial property market
- Identify if there are anti-competitive forces at work
- Identify if a significant amount of property is owned by people living overseas or wealthy people in Jersey as buy to let
  - and if this is inflating prices by as much as 20%-30% as in other cities
  - and if this is driving up rents

The proposal is that the Parish Rates lists be used to identify the recorded owners of all properties in Jersey then the Royal Court records of contracts of sale will record all changes in ownership of the properties in perpetuity.

The Register will not be public for data protection reasons and the ultimate beneficial ownership information will not be revealed. It is also not a land register.

### Comments from the Chief Minister - P.93/2020(Com)

Whilst disagreeing with the statement that we have no idea who owns residential property in Jersey, he acknowledged that improvements could be made to the manner in which we use the available information. Such improvements could help policy formation. He also commented that we should assess any data gaps in terms of ownership information.

He commented that in the commercial property market the ownership of properties was not a key factor driving how the market works. Size, location and purpose were much more influential and these are already in the Government's control.

He also said that identifying the beneficial ownership of commercial properties would duplicate work being done under the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 which enables inter-regulator disclosure in the short term and public access in the long term.

Difficulties could also be presented by Data Protection. On the one hand if the information was only to be used for informing policy then it could be held in anonymised form allowed by the Statistics and Census Law 2018, otherwise the consent of all the people named in the register would have to be sought to allow the information to be used for other purposes.

The Government Plan lodged on 12th October 2020 includes a commitment to report to the Assembly on a clear plan for the collection, maintenance and use of property information, for policy development and other purposes, by the end of 2021 [sic], factoring in data protection compliance, and aligning this with other workstreams. This work will have a particular focus on the extent of external investment in residential property.

He recommended that the Members supported the objectives of the proposition but not the proposed implementation.

## Research other Countries

Whilst researching this area, I came across a House of Commons research document that covers this area completely. Rather than duplicate the effort or paraphrase the whole document, below is a brief summary. The entire document can be read here:

<https://researchbriefings.files.parliament.uk/documents/CBP-8259/CBP-8259.pdf>

## Properties and Land

The Government of the UK has since 2016 said it planned to launch a public beneficial ownership register for UK property. Despite mentioning it in the December 2019 Queen's Speech the Government would not initially confirm when it planned to legislate.

On 1 March 2022, in response to the Russian invasion of Ukraine, the Government introduced legislation establishing a Register of Overseas Entities owning UK property, with a 6-month transitional period for registration. The legislation was fast-tracked, and Royal Assent was obtained in the early morning of 15 March 2022.

In Scotland a similar register has been operational since 1 April 2022. Landowners and tenants have a 12-month grace period to register before incurring penalties.

Many other countries have registers of the beneficial ownership of companies but not of property.

In April 2017, the Government consulted on the design of a beneficial ownership register for UK properties owned by overseas companies and legal entities. In the consultation foreword, the Government said that this register would be the first of its kind in the world:

- The UK is a world leader in corporate transparency. In 2016 we became the first country in the G20 to introduce a register of company ownership, allowing the public to access a central record of information about who really owns and controls UK companies.
- At the International Anti-Corruption Summit held in London in May 2016, we committed to go further, by creating a new register showing the beneficial owners of overseas companies that own or want to buy property in the UK, and of overseas companies involved in central government contracts.
- The UK property market should be seen as fair, transparent and clean in order to attract the right investors and owners. This register will be the first of its kind in the world.

## Political and Procedural Background

This proposition was brought to the States by Deputy Higgins who is of the opinion that there may be anti-competitive forces working behind the scenes to keep the sale and rental prices of property high.

This register is designed to identify if there are large amounts of property all owned by the same ultimate beneficial owner or a small number of ultimate beneficial owners possibly through complex chains of ownership of companies and trusts.

The Council of Ministers was opposed to the creation of this register saying that whilst the information that was already held could be used better, the creation of this register would duplicate work being done elsewhere in the Government and the JFSC.

They did not agree that we had no idea who owned commercial and residential property in Jersey. Senator Gorst pointed out that foreign investment in commercial property is not a bad thing and is actually to be encouraged.

They were also concerned about the Data Protection aspect as the way it was proposed to populate the register would risk using personal information for a purpose that people were not explicitly giving permission for. They accepted that permission may need to be sought but it would have to be sought for a particular purpose and they felt that the stated purpose of the register was rather "general and vague". Deputy Higgins said that it was not an issue as it would not be disclosed to the public. But Data Protection is an issue even for personal information that is not disclosed to the public. Information can only be held and processed for the purposes to which the data subject has explicitly consented.

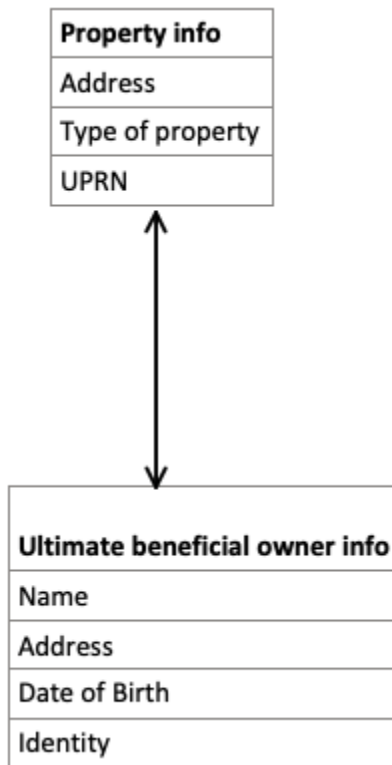
The Council of Ministers did not agree that there was collusion to influence the market in commercial property as it has been actively developed by the government in the recent past and it is already well controlled by the Government.

They said that the cost of putting the register together would be very high with no payback envisaged.

Deputy Higgins responded saying that Jersey was showing the same signs as other major cities where foreign investment has influenced the market claiming that anybody can buy property in Jersey. He also said that he was not concerned about the external commercial property market in Jersey but rather the locally owned commercial property market where prices could be put up by the existence of oligopolies driving up costs to local businesses and ultimately the consumer.

## Register Contents

The Property Register P.93/2020 is designed to support policy formulation by identifying the ultimate beneficial owners of property. To do so they would need to capture the following:



The property information refers to the property on the JLPI (Jersey Land and Property Index).

The ultimate beneficial owner information is a name, address, date of birth and identity.

# Existing Information - Information held in the Government of Jersey on Properties and their Ultimate Beneficial Ownership

## Register of Properties

There is a definitive register of properties in Jersey called the JLPI (Jersey Land and Property Index). It was built as part of the planning system and resides there. The JLPI is embedded in government processes and is kept up to date through a variety of means such as contact from the Parishes whose Rates and Electoral systems are linked into it, building control for new buildings, the Public Registry for Royal Court transactions, information from schools, JT and even the JT full fibre optic roll out etc. It is as close as it is possible to get to a definitive list and is constantly updated. There are some old properties, that have had no planning applications or any other type of change, that are not on the JLPI but those are diminishing over time.

JLPI includes standardised names and addresses and classification of properties by type eg residential, commercial, agricultural, detached, terraced etc. It even includes fire hydrants and will shortly include slips too. All entries are given a UPRN (Unique Position Reference Number) and where the buildings are large and contain multiple units such as share transfer properties and lodging houses, each unit is given a UPRN which is linked back to the larger building as it's parent.

## Ownership

As suggested in the proposition, the Parish Rates Register could be used to determine ownership. However, the legal person named as owner on the Parish Rates Register is not definitive and is not necessarily the same as the legal person named on the contract of sale and there is no connection or check made to see if that is the case. It is definitely not the case in the case of share transfer properties and properties leased by contract lease. The Rates (Jersey) Law 2005 defines the person to be recorded as owner to be:

“owner”, in relation to land, means –

- (a) if the land is not let under a lease or tenancy agreement –
  - (i) except in the case of share transfer property, the person entitled to occupy and use the land either as owner or usufructuary owner or in the exercise of rights of dower, *franc veuvage*, seignioralty or otherwise, or
  - (ii) in the case of share transfer property, the company owning the land; or
- (b) if the land is let under a lease or tenancy agreement –
  - (i) the person who is the occupier of the land if that person is also the lessee of the land under a lease passed before the Royal Court, or
  - (ii) in any other case, the person who is the immediate landlord of the occupier of the land;

Also, there is not necessarily a one to one relationship between the properties recorded on the Parish Rates List, for the calculation and collection of rates is not a one to one relationship, with contracts of sale scanned into the Pride system in the Public Registry so it could be difficult to generate a register from the Parish Rates Lists and update it from future contracts of sale.

If there is any sort of collusion or conspiracy, I suspect that the owner recorded on the Parish Rates system would not necessarily be recorded correctly or in such a way as to make it obvious that multiple properties had the same ultimate beneficial owner. There is also the registration card requirement



for natural persons and obtaining consent from CLS for non-natural persons to control who is able to buy what property.

The definitive source of information about property ownership (apart from Share Transfer) in Jersey is the contract of sale available at the Public Registry and scanned onto the Pride system. These show the purchaser of each property sold through the Royal Court. So, by looking at the most recent contract of sale, the current owner can be ascertained.

The current owner can be any type of legal person. The majority will be natural people as owner occupiers. Many will be companies or trusts. The remainder will be owned by other types of legal person such as charities or the government.

To ascertain the current owner from contracts of sale would be an extremely labour intensive manual job as the contracts of sale are not available in machine readable form but are scans

The ones most likely to present problems determining the ultimate beneficiary are the companies and trusts that own properties. To find the ultimate beneficial ownership of the property, we need to find the owner of the shares in the company registered as the purchaser and follow a potentially very long and complicated trail of companies owned by companies and by trusts to find the natural person or people that ultimately benefit from the ownership of the property. This could involve trusts with potentially numerous, even unlimited, and constantly changing beneficiaries who may even be a class of beneficiaries and so not individually named. Information about the ultimate beneficial owner of a company is held on a register by JFSC but this information is not legally required for Trusts.

## Share Transfer and Enveloped properties

One of the gaps in capturing ownership of properties was when they were owned by a company or other "non-human" person and transacted by transfer of shares (as in the case of Share Transfer properties an Enveloped properties). Share Transfer applies mainly to residential properties and Enveloped properties are usually commercial. This gap has now been closed with the introduction of the Land Transaction (Jersey) Law 2009 for Share transfer properties that levies a tax on share transfer transactions where the shares "confer a right of occupation of land in Jersey" and the Taxation (Enveloped Property Transactions) (Jersey) Law 2022. Enveloped property transaction tax (EPTT) is levied on the transfer of a 'significant interest' in immovable residential and commercial enveloped properties in Jersey, much like the concept of stamp duty in a normal sale through the Royal Court. The application to pay this tax captures the transferor and the transferee. Over time, this will help clarify the ownership of all property in Jersey.

## Missing Information – Information not held elsewhere in the Government of Jersey

The government does not currently have a register of beneficial ownership of properties.

The current ultimate beneficial owner of a property is, in most cases, very straightforward if time consuming to find. It will be the person who signed the contract and as likely as not is living in the property. The difficulty comes when the property is owned by a non-natural legal person. The JFSC holds a register of the beneficial ownership of non-natural legal people registered in Jersey. Deputy Higgins himself in his summing up to the States when making this proposal explained how difficult it could be sometimes for even the JFSC to find ultimate beneficial owners. This does not apply to trusts whose beneficial ownership is not recorded.

## Collection and Maintenance of Information

An export is taken from JLPI to create CAF (the Customer Address File) which is also used widely in Government systems. It would be possible to get a feed from JLPI or CAF of all known commercial and residential properties in the Island.

To collect information about the ultimate beneficial owner of each property, the latest contract of sale would have to be reviewed by a researcher who would make an electronic note of the identity of the purchaser who would be the current owner.

If the current owner is not a natural person, the researcher would have to investigate the non-natural person and get information from the JFSC as to the ultimate beneficial owner. If the non-natural person was a trust or not registered in Jersey, this could be a very difficult, if not impossible, task.

Setting up the register of beneficial ownership would mean going through all the most recent contracts of sale of properties and identifying the owner then the ultimate beneficial owners as they stand at the time of setting up the register. It will be a time consuming, but one off, process so would best be done by resources acquired specially for the task by taking on temps, contracting out or sub-contracting the whole task.

Once the register is in place, notification could be received from the Public Registrar or possibly from the Pride system as new contracts of sale of property go through court at the weekly Samedi Court and are scanned onto the system. Notification could be received from Revenue Jersey about applications for LTT and EPTT. These would then need to be looked at every week and the owner identified and the ultimate beneficial owner acquired from the JFSC, if available, and the register updated. Where the JFSC does not hold such information, in the case of Jersey Trusts or non-Jersey legal persons, investigation would be required.

It is not clear which department would be best to set up and run this register.

## Legislative and Data Protection Considerations

The information on the JLPI is publicly available and does not record any personal information. It is unlikely the Data Protection legislation would be breached by extracting a list of residential and commercial properties.

The information used to identify the owner of a property (the contract of sale) is a matter of public record and has been since Walter Raleigh was governor when transactions were read out in Parish Churches.

Finding the ultimate beneficial owner of a property would, in some cases, require information to be obtained from JFSC who hold information on the ultimate beneficial owner of all entities (except Trusts) registered in Jersey under the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020. Articles 10 and 11 allow sharing with a competent local authority but this would need to be clarified.

Quote from Deputy Higgins' speech transcribed on Hansard P.93/2020 2.1.9 Deputy M.R. Higgins at about 11.20am:

"One point I want to make is a play was made very early on - and certainly in the Council of Ministers' comments paper - about the Data Protection Law. Now, I have asked the Information Commissioner to tell me what he thinks about the Proposition and I am just going to read 2 paragraphs from the letter I have received from him: "I have reviewed the document you sent me. I can identify no conflicts with the Data Protection (Jersey) Law 2018. However, I would recommend that the States Assembly pass a law that governs the operations of the proposed registry with specific provision authorising the collection and use of the personal data involved and limiting the use of that data for those specified purposes." This is why I put that into the Proposition; it will be for a limited purpose. He also said: "I can confirm that the Proposition as drafted does not raise any general privacy concerns. The Proposition limits access to the registry to the Government of Jersey for specific public policy purposes. I see no concerns relating to the rights and freedoms of data subjects."

Information about LTT and EPTT for the use of this register will have been collected for the purposes of the Revenue Laws for the purposes of Article 8 of the Revenue Administration (Jersey) Law 2019. It's disclosure will be a matter for the controller and Treasury Minister. Disclosure is prohibited for non-tax purposes, except to the extent an exception applies in Article 8(2) to (9A). Article 8(4) is potentially relevant. It is extremely unlikely that the controller and the Treasury Minister would agree to sharing information both because of the complex local and international legislation surrounding tax and to avoid the potential concern of tax payers about unforeseen consequences of correctly declaring their relevant tax information.

# Landlord and Tenant Register - P.82/2020

## Executive Summary of P.82/2020

Deputy Huelin proposed creating a register of landlords and tenants in p.82/2020 using information captured under existing laws.

The aim was to oversee the conditions in properties being rented in Jersey without putting a licensing scheme in place. As a member of the Landlords' Association, he was keen to avoid the unnecessary extra burden on landlords that he felt sure that a licensing scheme would bring with it. However, a licensing scheme would bring with it the need for landlords to reach appropriate standards before being allowed to rent property rather than being allowed to rent property then wait for tenants to complain about any sub-standard conditions, with the ongoing threat that tenants complaining might get evicted. With the shortage of rental accommodation tenants may then find it difficult to secure a new home.

There are already a number of laws that prescribe minimum standards for rental accommodation including:

- Public Health and Safety (Rented Dwellings) (Jersey) Law 2018
- Public Health and Safety (Rented Dwellings - Minimum Standards and Prescribed Hazards) (Jersey) Order 2018
- Residential Tenancy (Jersey Law 2011
- Residential Tenancy (Supply of Services) (Jersey) Order 2013
- Residential Tenancy (Condition Reports) (Jersey) Order 2014
- Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014
- Lodging Houses (Registration) (Jersey) Law 1962
- Lodging Houses (General Provisions) (Jersey) Order 1962

The team tasked with enforcing the minimum standards for rented dwellings are already in the process of upgrading a system covering the operational aspects of managing their interaction with landlords and tenants. This will go into detail of compliance of each property but as currently envisaged has no mechanism to ensure that all landlords and rented properties are captured.

It will use UPRN's from the JLPI to identify properties and take feeds from increasing number of places and contain info about category, status, statutory minimum standards info.

If licensing is progressed and approved, it is envisaged that the online form should feed into the system being upgraded and used by the team who enforce minimum standards developing the register's completeness over time.

There is no perfect solution to seed the register nor to maintain it. It will be a process of sifting information to constantly improve the quality of information in the register and ultimately make it available subject to appropriate legislation, security and data protection considerations to any other part of the Government that has a genuine need for it.

## Recommendation

The Council of Ministers has been tasked with investigating the feasibility of establishing a digital register of landlords and tenants.

The Housing and Nuisance team are responsible for enforcing minimum standards for rented dwellings and are in the process of upgrading their system to manage the information. This will record interactions between the team and their customers, landlords, agents and tenants. It seems sensible to use this platform to build the authoritative list of landlords and tenants on as it is in their interests to have as complete a list of landlords as they can get.

Although this report refers to the landlord and tenant register, it focusses on landlords and their duty to maintain minimum standards. Nothing in the proposition justifies the identification of individual tenants. Ideally, it should be just a rented dwellings and landlord register as the danger is that information about tenants could be interpreted in a fashion that made it an indicator of a tenant's suitability. This could affect the tenant's likelihood of securing rental accommodation. Introduction of the concept of a "Bad Tenant Register", as exists in Australia, should be avoided at all costs.

Creating a Landlord register is entirely feasible. It will not be a big bang with all landlords identified at the start but will be a single source of truth for information about landlords that will get more full and accurate over time. A project should be started to support the Housing and Nuisance team by putting in place the necessary mechanisms for gathering information from the departments that have relevant information, dealing with Data Protection and other legislative issues for them and ensuring that the system is built in such a way to satisfy the needs of the register proposed in P.82/2020 alongside their own operational needs and policy development. It should also work with and support the development of the register in the planned Regulation technology platform.

## Summary of Proposition

The register proposed by Deputy Huelin of St Peter in P.82/2020 was to contain information about the landlords and tenants of accommodation in the categories:

- Qualified accommodation;
- Registered accommodation;
- Lodging houses;
- Lodgings in private dwellings.

The reason for suggesting this register is to obviate the need for introducing licensing of landlords as proposed under the draft Health and Safety (Rented Dwellings)(Licensing) (Jersey) Regulations 201- (P.106/2019) which were not approved whilst providing information on the number of properties being rented and ensuring they are fit for purpose on an ongoing basis. The intention is that the Control of Housing and Work (Jersey) Law 2012 and the Lodging Houses (Registration) (Jersey) Law 1962 as well as any other relevant legislation be used to establish the register.

The argument for adopting this approach is that it is felt that the alternative of licensing landlords would be costly for the government to set up and maintain given that it was felt that it could be possible instead build a register based on information collected under existing laws. It was also felt that licensing would lead to an increase in the investment landlords would have to make in their properties across the board. A one size fits all approach, potentially requiring investment where it is not strictly needed. It was also felt that it would encourage landlords to look for other things to invest in thereby reducing the stock of rental properties in the Island as well as inflating rental prices. Further, the argument says that maintaining adequate standards of rental accommodation is better and more cost effectively achieved by both government and landlords by having a definitive list of landlords and tenants and an efficient system for capturing and acting on complaints from tenants. In Scotland where there has been a compulsory landlord registration scheme in place for many years, only 75% of properties were registered after the first three years.

There are many arguments in favour of licensing. It includes giving officers accurate and up to date information on the location of rented dwellings so they can take a risk based targeted approach to enforcement. It would also reduce very real fears of 'revenge evictions', whilst lawful, discourages tenants to come forward and complain about the condition of their home.

For the full text and links to Hansard, the proposition and minutes on the States Assembly website see Appendix 2.

## Objective of the Register

Objectives from p.82/2020 put forward by Deputy Huelin of St Peter:

- Avoid the introduction of a licensing scheme
- Use information gathered under existing laws to create a register
- Record landlord and tenants of all qualified and registered accommodation and all lodging houses and lodgings in private dwellings

Using Control of Housing and Work (Jersey) Law 2012 and the Lodging Houses (Registration) (Jersey) Law 1962 as well as any other relevant legislation.

The Control of Housing and Work (Jersey) Law 2012 mandates the creating of a register which records whether a property is entitled or registered. The Lodging Houses Law 1962 will give access to all the Lodging Houses that are registered. The public registry will hold contracts of sale for all properties that have been sold.

Additional objective introduced in the amendment - P.82/2020(Amd):

- To fulfil the "well documented aims of the Ministers for the Environment and Children and Housing to know where all the rental properties are"

Comments from the Minister for the Environment - P.82/2020(Com)

Comments on p.82/2020 by the Minister for the Environment on his and the Minister for Children and Housing's behalf did not introduce any new objectives but concluded that the register could not be created using existing laws and would be costly and ineffective if pursued. The correct course of action was to bring in licensing of all rental properties. They urged members to reject the proposition.



## Research other Countries

This section takes a brief look at how other countries go about understanding and controlling their housing and commercial property markets. It looks at the UK, Germany, France, the United States, Australia. None of these countries show resounding support for registration or licensing. It is a bit of a mixture of the two with a lot not having either.

### UK

No mandatory nationwide registration or licensing scheme operates in England. A registration and licensing scheme operates in Wales. A registration scheme operates in Scotland and Northern Ireland, whereby all landlords have to register in order to rent out their property.

### England

Properties rented out in England are not currently registered or licensed and landlords do not need to declare that they own or manage property, unless they have a house in multiple occupation with 5 or more occupants or there is an additional or selective licensing scheme in place in their local area. Therefore, the vast majority of rented properties in England are not known to local authorities or any other agencies.

This information from the English Housing Survey [Renting from a private landlord - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk) suggests 20% of households rent in England.

### Wales

Since 23 November 2015, all landlords with privately rented property let out on a domestic tenancy in Wales are legally required to register with Rent Smart Wales in order to comply with the law.

The immediate landlord of a rental property in Wales needs to complete a landlord registration and must do so themselves. A landlord registration involves providing landlord personal details, rental property addresses owned by that landlord and the details of those responsible for letting and/or management activities of the rental property. All landlords need to be registered. All landlords and letting agents who conduct letting and management activities also need to be licensed.

Appendix 4 shows an example of the application form

## Scotland

Landlord registration was introduced by the Antisocial Behaviour etc. (Scotland) Act 2004 implemented in April 2006.

The legislation requires each local authority to prepare and maintain a register of private landlords. Private landlords must apply for registration by providing specified information and by paying an application fee. Local authorities have the power to decide who can legally operate as a landlord and the ability to refuse an application for registration if they are not satisfied that the landlord is a fit and proper person.

Appendix 5 shows an example of the application form

## Northern Ireland

The Landlord Registration Scheme collects and maintains accurate information on landlords and their properties. By law, all private landlords in Northern Ireland must register with the Landlord Registration Scheme. The register contains all private landlords and registered rented properties.

It allows tenants, neighbours and local councils to identify if landlords are registered, provides information on the number of landlords in Northern Ireland and allows landlords to receive regular updates on the duties and responsibilities of landlords and tenants as well as providing education and support to landlords. It improves tenants' confidence in their landlords and increases landlords' accountability by promoting good practice and ensuring the right advice and help is available.

It renews every three years for £70-80.

Appendix 6 shows an example of the application form.

## Plans

The fairer private rented sector white paper presented by Michael Gove on 16th June 2022 will shake up the private rental sector in England and bring in a new property portal that will provide a single front door to help landlords to understand, and comply with, their responsibilities as well as giving councils and tenants the information they need to tackle rogue operators

The portal has been criticised as being overly intrusive and of little benefit. It is designed to be renewed on an annual basis and give rise to a £50pa fee. The idea is that it will be expanded to introduce full mandatory licensing of all letting and managing agents.

It is to be run by an independent organisation and the landlords would receive a registration number to be used in tenancy agreements, court proceedings including eviction and housing benefit claims. They could be struck off the register for not protecting tenants' deposits or for failing to carry out essential repairs.

The aim is to root out bad landlords without unduly impacting good ones. The National Landlords Association says that a similar compulsory landlord registration scheme has existed in Scotland for a number of years and has been shown not to work with one in four rental properties not registered after the first three years. They also say that Landlords are facing more and more red tape against a backdrop of increasingly difficult financial times for them. They will be asking what they get for their £50.

The portal could be designed so that landlords need their properties to meet minimum standards before they can be let. It is likely to be a combination of a mandatory register for landlords and their properties, a resource for renters to be able to find out certain information about properties they intend to rent and a platform for enforcement of both registration and property standards.

## Germany

54% of people in Germany rent.

There is no licensing or registration of landlords in Germany. In fact the landlord has to sign a document confirming a tenant is living at a particular property before the tenant can register at the city registration office. This is a document provided by the landlord to the tenant. There is no central register for it. The registration at the city office is to confirm their address and no record is made of whether the fact that they are renting.

Landlords are responsible for ensuring a minimum standard for the rental accommodation. There is no enforcement by the government, it is done by way of tenants' protection associations and getting legal representation and if necessary, suing the landlord.

## France

36% of people rent in France

Minimum standards for rental accommodation are only stated in general terms and enforcement is weak.

<https://www.globalpropertyguide.com/Europe/France/Landlord-and-Tenant>

"France encourages private individuals to build and rent dwellings. Many loans, tax subsidies and tax incentives exist, especially to build for rental to people earning less than a fixed amount. Conversely, leaving buildings empty is penalized by the *taxe d'habitation*.

Yet the housing situation is not good. "Slums are reappearing in suburbs of large cities, and more and more people have trouble finding an affordable dwelling to rent..." notes the European University Institute report on France."

Landlords are assessed to be "professional" or "non-professional" and the rules are around registering the business as opposed to registering as a landlord.

## USA

There is no national register of landlords or landlord licensing. Certain counties and states have them but there is no federal law requiring them.

## Australia

There is no central register of landlords or landlord licensing. Consumer affairs Australia keeps a register of landlords who have had infringements.

There are private renter (tenant) databases holding details of blacklisted or bad renters to allow landlords to screen prospective renters.

## Political and Procedural Background

Deputy Young, when he was in his role of Minister for the Environment, had been trying to implement a landlord licensing scheme as allowed for under article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018. The proposition died - it was narrowly defeated and failed again on subsequent attempts. Deputy Huelin proposed this register as a softer touch alternative to licensing. He wanted to determine the number of rental properties in the Island and the number of occupants in each property. He was also concerned the rental properties should be safe and not damaging to the physical or mental health of the tenants. There is support from the officers who are trying to enforce rented dwellings standards to at least having a definitive list of rental properties, if a full blown licensing scheme is not going to be agreed, but there is resistance from the landlords. The argument from those landlords that resist is that this is another costly, bureaucratic burden for them and they don't see any real benefit. They see the "good" landlords adhering to the new register/licensing rules as well as all the existing rules and the "bad" landlords ignoring these new rules along with all the other rules that they are already ignoring.

One of things that became clear whilst researching this report was how many parts of the Government had a hand in the regulation of rental properties, their landlords and tenants. Since the proposition was presented to the States Assembly, changes have been made to improve the situation with the creation of the Regulation Directorate. This brought many regulators together who are subject matter experts. The Regulation Directorate is bringing together common processes to be fair, proportionate and transparent in our approach to enforcement. Continuing this concentration of regulation in one place would be very beneficial, not least for this register which relies on getting good information from many sources. To support this, the planned technological platform will be very important and coupled with improved access to information required for regulation, it will improve the quality and enforcement of regulations in Jersey.

From the enforcement team's perspective, a register of landlords and tenants would allow them to focus on the landlords that have not registered. It would also allow them to focus on the sub-standard properties and landlords which are not necessarily the same group as the ones that won't register.

Deputy Huelin proposed using the Control of Housing and Work (Jersey) Law 2012, amongst others, (in particular Article 9 which covers the requirement to notify the Minister of change of address and Article 16 which mandates a register of dwelling accommodation with its associated category along with any conditions and concessions) to create the register.

The Control of Housing and Work (Jersey) Law 2012 requires private tenants to have a registration card which automatically confirms their status when renting a property. It requires other non-human legal people to apply for permission to rent any land with a dwelling on it. CLS administer this law so would be well placed to capture information about landlords who are not natural persons.

CLS say they don't need this register but a register of the entitled or registered status of each property in the island would be of use and is in fact mandated in the CHW article 16 but not yet in existence. They deal with each request for permission to rent individually. They feel that maintenance of a register would fall to them and that it would be an additional burden for little gain to them. They see it as being of use in policy formation and enforcement rather than CLS operations.

There is a feeling in CLS that we keep giving permissions for new registered licences for people but are not sure if we have the registered rental accommodation for the licensees to live in. About 90% of rented accommodation is entitled and only 10% is registered. The registered accommodation is almost exclusively lodging houses. The number of lodging houses which provide registered accommodation is decreasing as they are refurbished and rented or sold as entitled units. Another source of registered or unqualified housing was inherited properties but this changed in 2006 to only allow the inheritor to live in inherited houses without housing qualifications rather than anyone without qualifications further reducing the stock of registered accommodation.

## Register Contents

The proposition seeks to record all landlords and tenants renting those landlords' properties on a voluntary basis.

A landlord can be any type of legal person. At a minimum, their name and address (captured by means of the UPRN - Unique Property Reference Number if in Jersey) and some form of identity information is required. In the case of a natural person, that would be a date of birth and passport details and validation of address. In the case of a company or other legal entity types it may be their country of registration, their registration number and address.

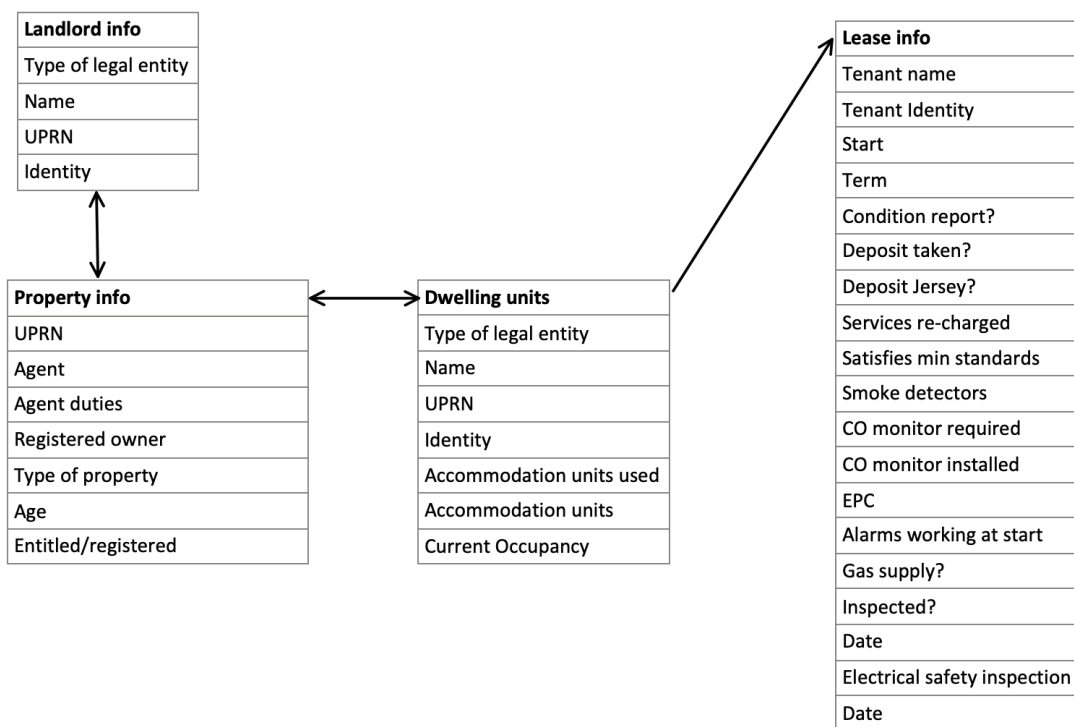
A landlord could have multiple properties, either a number of buildings or a number of separate dwellings in a building, or alternatively a property could be owned by multiple landlords so there needs to be a record of how the property is owned. This would allow capturing of all landlords for a building and all buildings owned by a landlord.

### *Unit of accommodation to be recorded*

Properties can have one or more dwelling units that can be rented out separately. Each self-contained dwelling unit can have a number of accommodation units which can accommodate one or more people. Each dwelling unit will be subject to a lease either implied, verbal or written. It makes sense to record against each dwelling unit information captured under the Public Health and Safety (Rented Dwellings (Jersey) Law 2018 about adherence to the various minimum standards that apply to rented properties that would be captured in a licensing scheme and against which enforcement officers would be assessing the risk against prescribed minimum standards of a rented dwelling.

A dwelling unit is defined under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 as any building or other structure, whether temporary or permanent, or any part thereof, used or capable of being used as living accommodation by one or more persons.

The information required would look something like:





## Existing Information - Information held in the Government of Jersey on Landlords and Tenants

At the moment there is no definitive register of all landlords, nor one of all rented properties. A number of departments have a need for this information and have or are in the process of building systems that hold a subset of the information.

Different departments of the Government administering different laws require different definitions of Property. When looking at the potential sources of information it is important to consider whether the source information has the same definition of property, dwelling unit, accommodation unit, landlord and tenant or one that could be translated to the definition required electronically for the proposed landlord and tenant register. It is also important to consider how complete and accurate the source information is as well as how often it is updated, why and what triggers the updates so we get a single reliable source of truth for the proposed register. The purpose for which the data subjects included in the systems gave permission for the information to be recorded and processed needs to be considered too.

### Existing registers of landlords, tenants and properties

The Housing Department, that used to exist before the new Control of Housing and Work (Jersey) Law 2012 came into effect, had a system called Saffron that captured information about landlords and tenants applying for permission to lease property under the superseded Housing (Jersey) Law 1949. The information in this is still being referred to along with the supplementary information held on paper but it has not been updated since the law was superseded in 2013 by the Control of Housing and Work (Jersey) Law 2012, so is becoming increasingly incomplete.

Environmental and Consumer Protection runs the Rent Safe scheme which includes a voluntary register of over 2,000 properties and associated landlords who have satisfied amongst other criteria the minimum housing standards. Against the best information about rental dwellings in Jersey of 19,217 (see table below from taken from the 2021 Census) which represents 46% of the residential dwellings in Jersey. The scheme is designed to give potential tenants confidence that their chosen landlord keeps properties at a standard at or above the minimum required standard. To join the scheme, a landlord has to apply and self-certify. They are then awarded a star rating based on their self-certification. An inspection is then arranged to assess the application. If it is between 3 and 5 stars it is added to the Rent Safe website, if not, a report explaining what needs to be improved is produced for the landlord. It is not possible to see on the public website if a particular property has a 3\* plus rating, only the number of properties that have particular star ratings a particular landlord has. It also does not go into detail of the information gathered about how they satisfy minimum standards for a particular property. Listing on the website is not mandatory.

Table 6: Household tenure in 2021 and 2011, excluding vacants

	Number of dwellings		Change 2011-2021	Percentage change
	2011	2021		
Owner-occupied	22,574	23,870	+1,296	+6%
Social housing rent <sup>2</sup>	5,656	5,826	+170	+3%
Qualified private rent	7,806	10,739	+2,933	+38%
Staff, service or tied accommodation	1,274	1,095	-179	-14%
Registered lodging house	652	700	+48	+7%
Lodger paying rent in private household	1,070	857	-213	-20%
Other non-qualified accommodation	2,563	1,496	-1,067	-42%
<b>All (excluding vacants)</b>	<b>41,595</b>	<b>44,583</b>	<b>+2,988</b>	<b>+7%</b>

Environment and Consumer Protection, part of Infrastructure, Housing and Environment is building a system to improve the way they record information captured through inspections and interactions with Landlords, Agents and Tenants. The team has a need for a list of rented properties and associated landlords for regulatory purposes in order to fully discharge the Ministers' (Minister for the Environment for property condition and Housing Minister for tenancy matters) statutory obligations under the Residential Tenancy (Jersey) Law 2011 and the proposed new version of this law and the Public Health and Safety (Rented Dwellings) Jersey Law 2018 and associated subordinate legislation, regulations and orders. A design for a system to support this using Dynamics is almost complete. If new proposals for a licensing scheme are submitted to the States Assembly and are approved, they would like to see the licence applications being made on an online form and feeding into their new system. A simple register of Landlords and property would not be the complete answer but could be used as the seed for a register that included all the relevant information about minimum standards to enforce the housing standards laws.

CLS who are responsible for administering the Control of Housing and Work (Jersey) Law 2012 has a CRM which captures the type and qualification status of properties that they have investigated but not of all properties. It is linked to JLPI. All paper records for companies and other non-natural persons owning property from the superseded 1949 Law were scanned into it in a year-long project so as to capture any conditions and consents placed on them. Residential properties were not scanned as, under the new law, they no longer require consent but rely on registration cards as proof of consent to rent.

Statistics Jersey has the census recording each dwelling in the island every ten years.

### Other sources of information about landlords, tenants and properties

The Parishes each hold a rates list which contains information about all the land in the parish including any house, building or other structure and land formed by dividing the ownership or occupation of land horizontally. It records the owner(s) of the land and the name and address of the occupier if they

are not the owner of the land and any change of use. It puts the onus on the landowner to ensure they and all the land they own is registered. Landowners are also required to notify the Parish of land being transferred or a change of name or address of either owner or occupier within 7 days. Looking at properties where the occupant is different from the owner could yield information about landlords that are not otherwise identified.

The Minister for Housing and Communities produced the drafting guidelines for an updated Residential Tenancy Law which contain provision for and register of landlords.

The Minister for Housing and Communities has a register of lodging houses created by the Lodging Houses (Jersey) Law 1962. The Lodging Houses (Jersey) Order 1962 makes a number of exemptions including properties with 5 or less lodgers (which covers the majority of private houses taking in lodgers), educational establishments, not for profits, care homes, nursing homes and mental health units.

Treasury and Exchequer has the Land transaction tax records which give information about people buying share transfer property. It also has the Enveloped Property Transaction Tax chargeable on freehold interests and contract leases where significant control of a property owned by a legal person who is not an individual changes hands. They also have information about people who are declaring rental income on their tax return. These could all be useful pointers so potential landlords that have not been identified.

The Parishes also have an electoral register contains a list of the names and addresses of electors registered to vote. Again, the onus is on the elector to ensure they are registered if they are eligible. The register is updated every year by sending out forms in November and uses the concept of a unit of dwelling accommodation which is not defined in the law. There are a number of reasons a person can be ineligible including not having lived in the Island for two years. This would mean that a lot of people with Registered status would be missed. Comparing this to the Rates system could yield information about properties that are empty (where nobody is registered to vote at a particular address) and could be compared to occupiers to validate existing tenants.

Social Security have information about whose rent they are contributing to. By finding who they rent off, it is possible that other landlords might be identified.

MyDeposits Jersey, on behalf of the government, holds information about all deposits taken for self-contained residential properties where the lease started or was renewed after November 2015 by law and some other deposits that have been added voluntarily.

Article 7 of the Housing (Jersey) Law 1949 - which was replaced by the Control of Housing and Work (Jersey) Law 2012 - required the consent of the now replaced Housing Committee for each application rent or buy. Application for the consent detailed both parties and the configuration and description of property and sale or rental value as well as the details used to promote the property for sale or rent. Other departments like Income support, planning etc would contact Housing for information about rental properties. The system, called Saffron, that recorded the information was not very advanced but it was backed up by detailed paper records. The information that was gathered under this superseded law is still used but the information is already nine years old and getting less complete and accurate all the time.

## Other entities needing register of Landlords, tenants and properties

CLS are interested in the big picture side of things ensuring the government doesn't end up collecting more information to sit in separate systems that don't then feed into or work alongside the others. They oversee "housing control" in terms of determining housing status and giving registration cards etc. So a record of registered vs entitled for each unit would be of use to them. Currently they give out permissions for registered people but have no idea if they will have anywhere to live.

### General

There is a fundamental issue with using information from other registers. They all have a slightly different definition of what a housing unit is and what types of housing unit are included for each purpose. They have different purposes and different quality of information as well as different update cycles.

Just looking at the departments involved in functions managing information that could be of use to the register, it can be seen that there is a lot of fragmentation:

[Spreadsheet of responsibilities for admin and enforcement for the schemes here] \*\*\*

## Missing Information – Information not held elsewhere in the Government of Jersey

### Private lodgings

Properties with 5 or less lodgers are exempt from registering under the Lodging Houses (Registration) (Jersey) Law 1962. The only information held within government would be tax returns which included rental income assuming it was declared. As a result, there is no record of landlords or tenants of such properties.

### Share transfer landlords and tenants

It is difficult to find out who owns and who is actually occupying a share transfer property. The right to occupy a dwelling unit in a share transfer property is achieved by buying shares, it does not go through the Royal Court so is not available in the public registry. Shares can be bought by anybody although the right to live in a share transfer property is still controlled under the Control of Housing and Work (Jersey) Law 2012. The Taxation (Land Transactions) (Jersey) Law 2009 introduced Land Transfer Tax on the sale of shares in share transfer properties. This could give us information on who has bought the shares pertaining to a particular unit (effectively the legal owner). The entity buying the shares could be a natural person but it could also be a company or trust or other non-natural person so establishing the landlord could be difficult. There is no way to know who is actually living there. The best source of such information is the Parish Rates List but in the case of share transfer properties the rate payer on the Parish Rates system is usually recorded as the managing agent of the company that owns the property and that agent then apportions the rates and bills the shareholders and tenants. The only other source would be the Electoral Register.

### Registration cards

Article 9 of the Control of Housing and Work (Jersey) Law 2012 requires individuals to inform the Chief Minister of their address within three months of moving into it. This could capture at the very least whether the property is rented or owned by the occupier to add to the address, contact number and email address already captured. This would start to build a picture of rented properties in the island or could be used to improve the picture held on an existing register.

There is a requirement for landlords to notify the chief minister of their tenants too. It is mentioned in [https://statesassembly.gov.je/AssemblyPropositions/2022/P.13-2022%20\(re-issue\).pdf](https://statesassembly.gov.je/AssemblyPropositions/2022/P.13-2022%20(re-issue).pdf) at the bottom of page 9.

## Collection and Maintenance of Information

If we set aside the data protection, legislative, government security and operational considerations to start with, we can find out the "ideal" methods of collecting and maintaining the information required for the register. Then we can consider the barriers and see which can be overcome, working at each and introducing the flows of information as each becomes available.

The reason this register was proposed was to find a cost-effective way of helping to improve the standard of rented accommodation in the Island. The obvious home for the maintenance of the register is with the people tasked with enforcing housing minimum standards. That would be the Housing and Usage team, part of Environmental and Consumer Protection within the Regulation Directorate. They are in the process of upgrading their Dynamics instance to enable the Team to move across to this platform to manage information which could be used to maintain a register.

The system must be linked to JLPI and possibly Populus so that it is using the authoritative property information and information in the system can easily be matched with property information and people from other systems using JLPI.

If licensing is approved, it would make sense for the licence applications to be made using an online form and fed into the new system which is directly linked to the JLPI.

If licensing is not approved the obvious place to start would be by taking an export from the Rent Safe system to seed the register with landlords, if sufficient information is available, then supplement it with feeds from other parts of the Government as and if and when it becomes available. It is likely that this will not be a straightforward process and there may only be partial information but it will give a start and is likely to be the best information currently held. Starting with the most beneficial sources that would be:

- MyDeposit Jersey – list of landlords and tenants they are holding deposits for
- Income tax – list of people who have declared rental income on their tax returns, and entities that are paying LTT (for Share Transfer properties) and EPTT (for enveloped properties)
- Rates – an extract of all properties where owner and occupier are different
- Lodging House register – list of all lodging houses and their owners
- Census – list of properties recorded as rented
- CLS – information from their CRM system listing any rented properties they have recorded and information from the team that gives consent for companies to buy or rent properties
- the Public Registry when a lease is registered with the Royal Court
- Social security – list of people who have been helped with their rent

Maintenance of the information would be achieved by the enforcement officers entering any new landlords and tenants they are made aware of into the Dynamics system. Information can come electronically or extracts from other systems concerned with landlords and tenants or by emails from people who work with landlords and tenants in any capacity as and when the necessary legislative and data protection considerations have been dealt with. Ideally:

- MyDeposit Jersey – notification of deposits from new landlords and tenants
- Income tax – annual list of people who have declared rental income on their tax returns and entities that are paying LTT and EPTT
- Rates – getting an update from the Parishes when new entries or changes to entries are made

- in the Rates system where properties record owner and occupier being different.
- Lodging House Register – notification of changes to the register
  - CLS – ongoing notification of rental properties they come across and new permissions granted
  - Public Registry – notification of passing of a contract lease
  - Social security - annual list of people being helped with their rent

The important thing is to set it up so that it becomes the authoritative source of landlords and tenants and remains so by being fed from key points in the organisation much as the updating of the JLPI is done. The register won't be perfect at first but will get better and better over time. None of the sources of data will be perfect either but all will furnish evidence to lead the team to better record all landlords and tenants as more information becomes available from more places.

The need to propagate information from this register should also be considered at the design and build stage. Other parts of the Government could benefit, with the right legal machinery in place and subject to appropriate security and seeing the bare minimum workable subset of information, with the facility to extract information from the register either as one off extracts or as a real time feed of information.

## Legislative and Data Protection Considerations

A sensible change to the Rates (Jersey) Law 2005 would be to include a new question in the annual Rates return. It should ask if the owner is living in the property. This would both give a better view of which of the properties on the Rates List are empty and at the same time show which of the properties on the Rates list are likely to be rented.

Having looked, in the previous section, at the ideal information sources for the landlord and tenant register, it is time to consider the legislation that governs the sources. The Law Officers' Department was key in gathering the following information.

### MyDeposit Jersey

The statutory basis for the scheme is the Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014, made under Art. 24 Residential Tenancy (Jersey) Law 2011.

The scheme is administered by Mydeposits Jersey on behalf of the Minister for Housing and Communities under Reg. 3(1). Reg. 30(1) sets out what information is held by the scheme, including details of the property, landlord, tenant and term. This will capture most new and renewed tenancies since November 2015 but would miss tenancies where no deposit is paid or where a landlord hasn't complied with the Regulations.

The Law Officers' Department did not identify anything in the Regulations to expressly prevent sharing of information. However as with all personal information this is subject to the general requirements of the Data Protection (Jersey) Law 2018 which will need to be considered carefully.

### Income tax

All the information of use to the register will have been collected for the purposes of the Revenue Laws for the purposes of Article 8 of the Revenue Administration (Jersey) Law 2019. It's disclosure will be a matter for the controller and Treasury Minister. Disclosure is prohibited for non-tax purposes, except to the extent an exception applies in Article 8(2) to (9A). Article 8(4) is potentially relevant. It is extremely unlikely that the controller and the Treasury Minister would agree to sharing information both because of the complex local and international legislation surrounding tax and to avoid the potential concern of tax payers about unforeseen consequences of correctly declaring their relevant tax information.

### Rates

The statutory basis for the collection of Rates is the Rates (Jersey) Law 2005

A "Rates List" is kept pursuant to Art. 2 by each Parish (but approved by a central Supervisory Committee). This is a list of properties which is made available for public inspection under Art. 7, but



the public list expressly excludes details of owners/occupiers. The Parish Rates register does, however, hold details of owners and occupiers – see Art. 3(1) – which should be updated annually.

The 2005 Law works on an annual cycle and won't necessarily have all the latest information. Liability for rates falls on the owner and occupier on 1 Jan in each year (Arts 17-18). Article 12 requires changes of owner to be notified within 7 days, and Art. 13 requires changes of name and address of a person who was owner or occupier at the start of year to be notified within 7 days. Therefore it appears that owner information may be more up to date than occupier information. Some land is excluded from liability to rates (see Arts 17-18) but information may still be held.

The Law Officers' Department has not identified anything in the 2005 Law that expressly prevents sharing of information.

### Lodging House register

The statutory basis for this register is the Lodging Houses (Registration) (Jersey) Law 1962. It is the responsibility of the Minister for Housing and Communities. Some functions have been delegated.

The information applies only to premises on which is conducted the business of providing "lodging" (which itself is undefined) for reward. Various things are excluded for instance Article 2 Lodging Houses (General Provisions) (Jersey) Order 1962 excludes lodging for 5 persons or less. Article 1 of the Law also excludes premises registered under the Tourism (Jersey) Law 1948.

The Law Officers' Department has not identified anything in the 1962 Law to expressly prevent sharing of information.

A copy of the list of lodging accommodation (but not owners) is available online:

<https://www.gov.je/SiteCollectionDocuments/Home%20and%20community/ID%20Lodging%20House%20Charges.pdf>.

### Census

The statutory basis for the census is the Statistics and Census (Jersey) Law 2018; Census (Jersey) Order 2020

Responsibility for the taking of a census to gather data is with Statistics Jersey (Article 8), who are responsible for collecting and processing data "for statistical purposes in accordance with this Law" (Article 2). The Chief Statistician and census officers have statutory functions.

Property tenure and type is information required by census – see paragraph 3 of the Schedule to the Law.

The legal barriers to sharing are clear and are unlikely to change substantially. Article 16(1) provides "Particulars or information furnished by an individual or undertaking under this Law may be used only for statistical purposes or for analysis and must not otherwise be published or communicated", and 16(2) provides "A person must not disclose any particulars or information obtained under this Law in a form that may identify any individual, household or body"

## Customer and Local Services

Customer and Local Services (CLS) have information in their CRM system listing any rented properties they have recorded. The information will be held under the Social Security (Jersey) Law 1974 and the specific confidentiality requirements in Article 49 and the Oath given by those working for Soc Sec under Schedule 3 to that Law. There is potential for Soc Sec Minister to permit disclosure provided compatible with the Data Protection (Jersey) Law 2018.

Under the oath, officers must “...not disclose any information which may come to your knowledge in the performance of your duties except to such persons only as shall act in execution of the said laws and where it shall be necessary to disclose the same to them for the purposes of the said laws, or in so far as you may be required to disclose the same for the purposes or in the course of a prosecution for an offence against the said laws, or in such cases as you are expressly authorized by the said laws to disclose the same”. Note the Social Security Law is also a “Revenue Law” for the purpose of the Revenue Administration (Jersey) Law 2019 so falls under the same restrictions as the laws governing Income Tax further strengthening the barriers to sharing information.

Income Support is generally under separate legislation from Social Security so it may be easier to share this information.

Note that the Register of Names and Addresses (Jersey) Law 2012 (which governs Populus – a register of people in Jersey) is a possible resource where the statutory purposes are relatively wide.

Granting permission for the team that gives consent for companies to buy or rent properties to share information is a matter for the Chief Minister acting under Art 20 of the Control of Housing and Work (Jersey) Law 2012. This covers specified transactions, which does not include commercial leases pursuant to Art 18(2).

The Public Registry holds records of contract leases registered with the Royal Court. They are held on PRIDE which is publicly accessible albeit subject to a subscription fee.

## Conclusion

Both these propositions call for registers to be established. The common theme is that if they go ahead, they should both be linked to the core information held in the Government; the JLPI and Populus. Doing this will ensure that information in these registers can, if necessary, be matched with information in other operational systems by linking on the identifiers of these two core information stores. It also means that the teams maintaining the proposed registers merely have to find the relevant property or legal person in the core information stores and link them into the proposed registers. The other advantage is that the information supplied by the core information stores is likely to be more accurate and up to date than it otherwise would be.

The register of properties already exists in the JLPI. Creating a register adding beneficial ownership of each property will be straightforward enough. It is a question of creating a register to contain the beneficial ownership information together with a UPRN that links it to the JLPI. For the majority of properties, where the beneficial owner is the same as the buyer recorded on the contract of sale in Pride, gathering beneficial ownership information will be a straightforward if time consuming process. It is a case of a human reading through the contract of sale scanned onto Pride and transcribing the name on the contract into the register of beneficial ownership. In the case of beneficial ownership of more complex structures such as companies and trusts, it is likely to be difficult and time consuming to ascertain the beneficial owner because it will require the involvement of the JFSC for companies and may not be available at all for trusts and difficult to keep up to date. There is also no obvious trigger that would prompt the keeper of the register of beneficial ownership about a change in beneficial ownership for example in the case of changes to beneficiaries of a trust. A better way to satisfy the objective may be to perform a one off exercise, perhaps run by Statistics Jersey, to investigate beneficial ownership of those properties not owned by local individuals.

The Landlord and Tenant register is already being put together as the information is key to the work of the team enforcing minimum rented dwellings standards. By creating a register containing the key information to assess adherence to minimum rented dwellings standards and linking it to JLPI and Populus, it can focus on the key information required from an operational point of view rather than recreating registers of property and people and thereby keep down the cost of building and maintaining the register as well as working with more accurate information on people and properties.

## Appendix 1 – Stakeholders consulted

Project Sponsor – Paul Bradbury – Head of Ministerial Support – Office of the Chief Executive

Alison de Bourcier – Head of Environment and Consumer Protection, Regulation Directorate

Rob Bowditch- Manager, Housing and Nuisance Team

Ian Cope – Statistics Unit

Dan Edmunds – Statistics Unit

Sophie le Sueur – Group Director Customer Services, Customer and Local Services

Jane Egré – Systems manager/Data manager

Deborah Reeve – Interim Head of Strategic Housing and Regeneration

Sue Duhamel – Head of Policy at Strategic Policy, Planning and Performance

Tina Warboys – Control of Housing and work, CLS

Ralph Buchholz - Head of Corporate Property Strategy

Helen Boys - Data Quality Lead

Kelly Whitehead – Group Director for Regulation

Michelle Humphreys-Foott – Head of Regulatory Improvement and Licensing, Regulation Directorate

James Silverston – Director of Financial Services

Thomas Wright -

Matt Berry – Law Officers’ Department

Patrick Hamon – Law Officers’ Department

Natasha Day - Head of strategic housing and regeneration at Strategic Policy, Planning and Performance

# STATES OF JERSEY



## INVESTIGATION INTO THE ESTABLISHMENT OF A DIGITAL REGISTER OF LANDLORDS AND TENANTS

---

Lodged au Greffe on 16th June 2020  
by the Deputy of St. Peter

---

STATES GREFFE

---

2020

P.82

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to request the Council of Ministers to investigate the provisions and administration of the Control of Housing and Work (Jersey) Law 2012 (in particular Articles 9 and 16) and of the Lodging Homes (Registration) (Jersey) Law 1962 in order to determine the feasibility of using this legislation to establish a digital register of landlords and tenants, with the register to cover landlords and tenants of accommodation in the following categories –
- Qualified accommodation;
  - Registered accommodation;
  - Lodging houses;
  - Lodgings in private dwellings; and
- (b) to report back to the States Assembly by 1st September 2020 with the findings of this investigation, identifying (where appropriate) prospective changes that could be made to the legislation and that would increase the feasibility of using the Laws for the purpose of establishing such a register.

DEPUTY OF ST. PETER

## REPORT

There is unquestionably a need to determine the number of rental properties in the Island and the number of occupants in each property. My understanding is that there are approximately 15,000 tenants currently in Jersey (including those with Andium Homes). Furthermore, as a society, we need to ensure that the rental properties are safe and not damaging to the physical and mental health of the tenants.

I do, however, believe that the way forward is not to introduce a licensing regime as proposed under [Draft Health and Safety \(Rented Dwellings\)\(Licensing\) \(Jersey\) Regulations 201- \(P.106/2019\)](#) but to use a register as already established in existing legislation. For this reason in part (a) of my Proposition I am seeking an investigation into the feasibility of using the [Control of Housing and Work \(Jersey\) Law 2012](#) (in particular Articles 9 and 16) and the [Lodging Homes \(Registration\) \(Jersey\) Law 1962](#) as the basis to establish a digital register of landlords and tenants. Part (b) provides a timeline for reporting the findings to the States Assembly.

My reference back was based on the potential inflationary result in rental prices. This is something that, given the already high rents in the Island, is something I would like to avoid. The Assembly accepted this argument; however, I have heard nothing in response to alleviate this fear. Indeed, all I have heard is the licensing fee will be reduced and delayed. This completely misses the point, as the fee is not the concern of the landlords. I urge members to check Hansard

One of the concerns in relation to a licensing regime is the potential increased financial burden on landlords in order to comply with licence conditions. This, in all likelihood, will result in increased rent as the landlord might pass on some of the burden to the tenant.

There is also a possibility that landlords might decide that the licensing regime is no longer financially viable, or is too onerous, and decide to remove their properties from the rental market. Landlords are businessmen – they have choices. Why have an investment returning 2.5% – 4.5% gross return with increasing costs, risk and bureaucracy when any good wealth manager will give you 6% annualised?

Some properties may be purchased by new investors entering the market who are likely to review tenancy agreements potentially to the detriment of the tenant. Other properties may be removed altogether from the rental market resulting in shrinkage in the rental market which would undoubtedly have serious ramifications.

I believe that knowing the address, landlord and tenant of every rental property is a positive move. I also believe that ensure a discrete and anonymous 'help line' is a far more proportionate measure to ensure the Environment Department are made aware of substandard accommodation. In the first instant, this must be considered.

There is also a major difference between a licence and a register, and I believe if adopted, will gain the support of landlords and alleviate the fear above. It will also support private landlords to continue to offer a great service to 10,000 families in Jersey.

### **Financial and Manpower Implications**

The investigation and report will require a certain amount of officer time which can be undertaken with existing resources.

Amendment to Proposition 01/07/2020:

<https://statesassembly.gov.je/assemblypropositions/2020/p.82-2020amd.pdf>

Comment on Proposition 10/07/202:

<https://statesassembly.gov.je/assemblypropositions/2020/p.82-2020com.pdf>

Hansard of debate 16/07/2020:

<https://statesassembly.gov.je/AssemblyHansard/2020/2020.07.16%20States%20-%20edited%20transcript.pdf>



## **STATES OF JERSEY**



### **ESTABLISHMENT OF A DIGITAL REGISTER OF ALL COMMERCIAL AND RESIDENTIAL PROPERTIES**

---

**Lodged au Greffe on 16th July 2020  
by Deputy M.R. Higgins of St. Helier**

---

**STATES GREFFE**

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to request the Council of Ministers to create a digital register of all commercial and residential properties in the Island that contains details of the ultimate beneficial ownership of those properties for the purposes of aiding policy formation and if necessary the regulation of the housing and commercial property markets;
- (b) to request that the register be operated on behalf of the States of Jersey by the Jersey Financial Services Commission;
- (c) to request that the register be established by the Council as soon as possible and not later than the end of 2021.

DEPUTY M.R. HIGGINS OF ST. HELIER

## REPORT

Most people in the Island consider the housing market to be out of control in the sense that house prices are excessive and beyond what they can afford based on their salaries or ability to borrow and they are demanding government action to help them to get on the housing ladder.

Entrepreneurs and those wanting to rent or lease commercial premises are complaining that the owners of these properties are either pricing them out of the market or if they can afford to pay the higher rents or leases that it will cause them to have higher overheads which restricts their ability to grow and prosper and causes the goods and services they sell to consumers to be higher priced than they would otherwise be thus directly affecting the cost of living in the Island.

Simplistically, the price of housing (houses and apartments) and commercial premises is determined by the interaction of the supply and demand for housing/commercial premises. If demand is greater than supply the price of these properties will go up, if demand is less than supply the price of these properties will go down. If the supply is less than demand then the price of these properties will go up, if the supply is greater than the demand the price will fall or more likely in the real world property market in the Island stabilise.

There are many factors which influence supply and demand and hence the price of houses/commercial property. These include: the availability of land for building; planning restrictions, zoning and red tape; the cost of finance to builders and developers; the availability and cost of skilled workers and building materials; developers purchasing land obtaining planning permission and then banking it in the sense that they do not build on it immediately and wait for the prices their prospective developments to consumers to rise; net migration (i.e. Increased population) and foreign direct investment and internal investment by people who purchase property not to live in but as an investment which generates better returns and safety than other investments.

The housing and commercial property markets are not perfect markets in the sense that supply and demand will naturally arrive at the optimum price of property, this is because there may also be anti-competitive forces at work behind the scenes such as monopolies or collusion among owners or builders of properties to keep prices high.

The purpose of this proposition is to require the Council of Ministers to create a property register that will record the ultimate beneficial ownership of all residential and commercial property in the Island for the purpose of aiding policy formation and, if necessary, the regulation of the housing and commercial property markets.

The register would be operated on behalf of the States of Jersey by the Jersey Financial Services Commission.

### **Why is a register important?**

At the present time the Government has no idea who owns commercial and residential property in the Island. It is therefore hamstrung by a lack of data to deal effectively with the housing and commercial property markets.

Some quite strong accusations... check Hansard

- If it does not know who owns commercial property it will not know whether a monopoly or other anti-competitive structure exists to distort the market and drive up rental and lease costs.
- If it does not know how much property in Jersey is owned by people who live overseas or by wealthy people living in the Island not as a home for owner-occupation but as an investment (buy to let) it will not know if house and commercial properties have been inflated in price by as much as 20 or 30% as it has been the case in some cities and countries around the world or know the impact this investment has on the housing rental market such as driving up rents.

Having this information will enable the Government to come up with measures (e.g. legal or fiscal) to deal with abuses or distortions in the market.

### **The Register**

The register will be created by using Royal Court Property Sale records and the Parish Rates Registers. The Parish Registers will tell the Government who owns what on the day the record is created and the Royal Court Records will record all changes in the ownership of these properties from that day onwards.

It is intended that the register would be maintained and operated by the Jersey Financial Services Commission for a number of reasons –

- Firstly, the Commission currently holds and updates nine existing digital registers including Jersey companies, business names, foundations, partnerships and security interests. It also has a very skilled workforce used to dealing in confidential information.
- Secondly, many properties are owned by companies, trusts and foundations. The Royal Court records and the Parish Rate records do not/may not record the ultimate beneficial owners of these entities who have purchased property in the Island whereas the Financial Services Commission already has this information or in the case of Trusts it can legally require Trust Companies to provide the data it requires.

The Government will enter into a Memorandum of Understanding with the Financial Services Commission to cover the sharing of this information which will only be used for the purpose of informing policy and to prevent market abuse or distortion.

### **What this Register is not**

The Register will not be a public document for Data Protection reasons and the ultimate beneficial ownership information will not be revealed in exactly the same way as the ultimate beneficial ownership of Jersey Companies is not revealed.

Nor is it a Land Register which would be more complex and expensive to create.

Create as a one off by analysing the Rates system then looking at court records then maintain register of ownership thereafter. This only gives registered owner not the ultimate beneficial owner.

Wants to force JFSC to legally require companies and trusts to disclose ultimate beneficial owners.

**Financial and manpower implications**

I am seeking further information from the relevant officers about the likely costs of this proposition and will provide this information in an addendum to this report when it is available.

Copied from: <https://statesassembly.gov.je/assemblypropositions/2020/p.93-2020.pdf>

Comment on Proposition 01/10/2020:

<https://statesassembly.gov.je/assemblypropositions/2020/p.93-2020com.pdf>

Addition to Proposition 24/10/2020:

<https://statesassembly.gov.je/assemblypropositions/2020/p.93-2020add.pdf>

Hansard of debate 22/09/2020:

<https://statesassembly.gov.je/AssemblyHansard/2020/2020.09.22%20States%20-%20edited%20transcript%20WIP%20DRAFT.pdf>

# Appendix 4 - Wales private landlord register application form



## APPLICATION FOR LANDLORD REGISTRATION

You can use this form to apply for a new registration or renew an existing registration as a landlord or a non-commercial agent.

You can also apply online at [www.landlordregistrationscotland.gov.uk](http://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 (see the accompanying notes for details on fees).

Please read the accompanying notes carefully before submitting your application. These notes will also tell you how to make payment. Unless stated ALL fields are mandatory.

### 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.

---

### About Your Application

#### Question 1a

Are you making a first time application?

Yes (go to Question 1c)

No (go to Question 1b)

#### Question 1b

Are you renewing or do you already have an existing registration?

Yes (add registration number below)

No (go to Question 1c)

If yes, please provide your registration number and go to question 1c

#### Question 1c

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)

PLRAppForm

16092019



## Question 2a - only complete if an individual

### Personal details

First name (s)

Last name

Other names by which you may be known e.g. maiden name

Date of Birth for example 03 09 1980

Day      Month      Year

### Email address

### Contact Telephone Number

## Question 2b - only complete if an organisation

### Organisation details

Organisation name

Your full name and position in organisation

Company registration number (if applicable)

Scottish Charity number (if applicable)

### Question 3 - your address history

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 organisation.

Address (history for last 5 years)	Postcode	Date from	Date to

### 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.

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.

### Question 4 – the Tolerable and Repairing standards

As a landlord, please confirm you understand 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

Please provide details of each property that contains Gas and include a copy of the most up to date Gas Safety Certificate. If you do not have one please provide a date by which you

will provide it. If you have more properties to list please continue onto an additional sheet of paper and enclose with application.

Property Address (inc postcode)	Gas Cert Enclosed? (Y/N)	If No date to be provided by

### 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

Please provide a copy of the EICR for each property you wish to register. If you do not have one please provide a date by which you will provide it. . If you have more properties to list please continue onto an additional sheet of paper and enclose with application.

Property Address (inc postcode)	EICR Enclosed? (Y/N)	If No date to be provided by

### 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**

Are any of your properties served by a private water supply (a private water supply is one NOT provided by Scottish Water).

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 any safety concerns been 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? Please provide details of the scheme used to hold any deposit taken.

Yes  No  Not Applicable

Scheme Used .....

**Question 16 – convictions and judgements**

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

Yes (please provide details below, if required use a separate sheet)  No

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

### Question 17 – Antisocial Behaviour Orders (ASBOs)

Have you or your tenants ever been served with an ASBO

Yes (provide details below)

No

Date	Court	Local authority	Was it you, your tenant or their visitor who was served with the order?

### Question 18 – Antisocial Behaviour Notices (ASBNs)

Have you or your tenants ever been served with an ASBN

Yes (provide details below)

No

Date	Local authority and property address

## Question 19 – licences, registration and accreditations

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

Yes (provide details below)

No

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

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

## Question 20 – about your rental properties

Please use this section to enter details of your rental property. If you have more than one rental property please use the additional properties sheet.

<b>Address and postcode of rental property</b>
<b>Is this property jointly owned?</b> (see notes for important information regarding joint owners)  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>Name and address of joint owner :</b>  <b>Joint owner registration number :</b>  <b>Note:</b> ALL owners of the property MUST register and must make their own application/renewal as appropriate – although usually there would be no charge for joint owner applications (unless a late application fee applies) Completing this form DOES NOT make the application on behalf of the joint owner who must also make their own application.
<b>Is this property a house in multiple occupation (HMO)?</b> (see notes for important information regarding HMOs)  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>HMO Licence number :</b> <b>HMO Licence expiry date :</b>
<b>Does this property have a Repairing Standards Enforcement Order (RSEO)?</b>  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>RSEO reference number :</b>



**Does an agent manage this property on your behalf?**

**Yes – please provide details below**  **No**

**Scottish Letting Agent Registration Number :**  
(New since 2018 - this is NOT the same as a landlord registration number and you may have to contact your agent to get this)

**Name and Address of agent :**

**\* remember to add ALL additional properties – using the additional property sheet at the end of this form as necessary**

### **Question 21 – the public register**

**Please choose the address you wish to show on the public register for the above property.**

This will be the address made available on <https://landlordregistrationscotland.gov.uk/>

- Your Home/Organisation Address (as provided in Q2a or Q2b)**
- Your agents address (as provided in Q20)**
- A different address please provide details below (including full postal address with postcode)**

**Remember you must add all properties that require registration and each of the joint owners for those properties**

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.

I enclose a payment of

- cheques payable to "Argyll and Bute Council" please .

A local authority may use information it holds about you to determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. In addition, local authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with the Police Scotland and, if appropriate, other relevant authorities. Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 in terms of s 139.

Signed

Date

Print name

Please send this form once complete along with payment to:

Argyll and Bute Council, Landlord Registration and HMO Licensing, Environmental Health, Kilmory, Lochgilphead PA31 8RT

Email: [landlord.registration@argyll-bute.gov.uk](mailto:landlord.registration@argyll-bute.gov.uk)

Tel: 01546 604408

# Appendix 5 - Scotland private landlord register application form



## APPLICATION FOR LANDLORD REGISTRATION

You can use this form to apply for a new registration or renew an existing registration as a landlord or a non-commercial agent.

You can also apply online at [www.landlordregistrationscotland.gov.uk](http://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 (see the accompanying notes for details on fees).

Please read the accompanying notes carefully before submitting your application. These notes will also tell you how to make payment. Unless stated ALL fields are mandatory.

### 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.

---

### About Your Application

#### Question 1a

Are you making a first time application?

Yes (go to Question 1c)

No (go to Question 1b)

#### Question 1b

Are you renewing or do you already have an existing registration?

Yes (add registration number below)

No (go to Question 1c)

If yes, please provide your registration number and go to question 1c

#### Question 1c

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)

PLRAppForm

16092019

## Question 2a - only complete if an individual

### Personal details

First name (s)

Last name

Other names by which you may be known e.g. maiden name

Date of Birth for example 03 09 1980

Day      Month      Year

### Email address

### Contact Telephone Number

## Question 2b - only complete if an organisation

### Organisation details

Organisation name

Your full name and position in organisation

Company registration number (if applicable)

Scottish Charity number (if applicable)

### Question 3 - your address history

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 organisation.

Address (history for last 5 years)	Postcode	Date from	Date to

### 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.

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.

### Question 4 – the Tolerable and Repairing standards

As a landlord, please confirm you understand 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

Please provide details of each property that contains Gas and include a copy of the most up to date Gas Safety Certificate. If you do not have one please provide a date by which you

will provide it. If you have more properties to list please continue onto an additional sheet of paper and enclose with application.

Property Address (inc postcode)	Gas Cert Enclosed? (Y/N)	If No date to be provided by

### 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

Please provide a copy of the EICR for each property you wish to register. If you do not have one please provide a date by which you will provide it. . If you have more properties to list please continue onto an additional sheet of paper and enclose with application.

Property Address (inc postcode)	EICR Enclosed? (Y/N)	If No date to be provided by

### 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**

Are any of your properties served by a private water supply (a private water supply is one NOT provided by Scottish Water).

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 any safety concerns been 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? Please provide details of the scheme used to hold any deposit taken.

Yes  No  Not Applicable

Scheme Used .....

**Question 16 – convictions and judgements**

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

Yes (please provide details below, if required use a separate sheet)  No

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



### Question 17 – Antisocial Behaviour Orders (ASBOs)

Have you or your tenants ever been served with an ASBO

Yes (provide details below)

No

Date	Court	Local authority	Was it you, your tenant or their visitor who was served with the order?

### Question 18 – Antisocial Behaviour Notices (ASBNs)

Have you or your tenants ever been served with an ASBN

Yes (provide details below)

No

Date	Local authority and property address

## Question 19 – licences, registration and accreditations

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

Yes (provide details below)  No

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

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

## Question 20 – about your rental properties

Please use this section to enter details of your rental property. If you have more than one rental property please use the additional properties sheet.

<b>Address and postcode of rental property</b>
<b>Is this property jointly owned?</b> (see notes for important information regarding joint owners)  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>Name and address of joint owner :</b>  <b>Joint owner registration number :</b>  <b>Note:</b> ALL owners of the property MUST register and must make their own application/renewal as appropriate – although usually there would be no charge for joint owner applications (unless a late application fee applies) Completing this form DOES NOT make the application on behalf of the joint owner who must also make their own application.
<b>Is this property a house in multiple occupation (HMO)?</b> (see notes for important information regarding HMOs)  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>HMO Licence number :</b> <b>HMO Licence expiry date :</b>
<b>Does this property have a Repairing Standards Enforcement Order (RSEO)?</b>  <input type="checkbox"/> <b>Yes – please provide details below</b> <input type="checkbox"/> <b>No</b>  <b>RSEO reference number :</b>

**Does an agent manage this property on your behalf?**

**Yes – please provide details below**  **No**

**Scottish Letting Agent Registration Number :**  
(New since 2018 - this is NOT the same as a landlord registration number and you may have to contact your agent to get this)

**Name and Address of agent :**

**\* remember to add ALL additional properties – using the additional property sheet at the end of this form as necessary**

### **Question 21 – the public register**

**Please choose the address you wish to show on the public register for the above property.**

This will be the address made available on <https://landlordregistrationscotland.gov.uk/>

- Your Home/Organisation Address (as provided in Q2a or Q2b)**
- Your agents address (as provided in Q20)**
- A different address please provide details below (including full postal address with postcode)**

**Remember you must add all properties that require registration and each of the joint owners for those properties**

# Appendix 6 - Northern Ireland private landlord register application form

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.

I enclose a payment of

- cheques payable to "Argyll and Bute Council" please .

**A local authority may use information it holds about you to determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. In addition, local authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with the Police Scotland and, if appropriate, other relevant authorities. Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 in terms of s 139.**

Signed

Date

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Print name

**Please send this form once complete along with payment to:**

**Argyll and Bute Council, Landlord Registration and HMO Licensing, Environmental Health, Kilmory, Lochgilphead PA31 8RT**

**Email: [landlord.registration@argyll-bute.gov.uk](mailto:landlord.registration@argyll-bute.gov.uk)**

**Tel: 01546 604408**



## Landlord Registration Scheme Application Form

If this is a renewal application please quote your Landlord Registration number here:

If you have to register 5 or more properties, please use online facility at [www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration](http://www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration) or telephone nidirect 0300 200 7821

### Guidance notes

The purpose of landlord registration is to create a register of all private landlords and maintain relevant information about these landlords and their properties.

In accordance with the legislation for the Regulation of Private Landlords under The Private Tenancies (Northern Ireland) Order 2006, landlords have a legal obligation and responsibility to provide correct and complete information when registering.

A landlord must register either immediately prior to the letting of a new tenancy, or where there is an existing tenancy, within 12 months from the commencement of the Regulations (see overleaf). A registration has to be renewed every three years if you continue to rent property.

All joint owners must register, but only one fee is applicable per group.

If you let a property when you have not registered, or provide false information for the purposes of registration, you are committing an offence. This can lead to receiving a fixed penalty fine of up to £500 or, if it goes to court you can be fined up to £2,500.

### Completing the Registration

All fields marked with \* are mandatory. This means that you must fully complete these fields to register.

If the mandatory fields on the registration form have not been fully completed, nidirect will either post the form back to you for completion, or contact you via telephone for additional information. You can tell nidirect which of these options you prefer.

Once you have completed this application you must post the form to nidirect at the address provided. They will check your form, ensuring that it has been fully completed. A letter of confirmation of how to pay will be issued to you – **do not send payment with this form.**

Your registration is not complete until the application form and payment has been processed. nidirect will then send your Landlord Toolkit and Landlord Registration certificate via your preferred method of contact.

If you require further information, or would prefer to complete your registration online, you can go to: [www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration](http://www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration)

Alternatively, you can contact the Advice Line on 0300 200 7821.



## Landlord Registration Scheme Application Form

If this is a renewal application please quote your Landlord Registration number here:

If you have to register 5 or more properties, please use online facility at [www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration](http://www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration) or telephone nidirect 0300 200 7821

### Guidance notes

The purpose of landlord registration is to create a register of all private landlords and maintain relevant information about these landlords and their properties.

In accordance with the legislation for the Regulation of Private Landlords under The Private Tenancies (Northern Ireland) Order 2006, landlords have a legal obligation and responsibility to provide correct and complete information when registering.

A landlord must register either immediately prior to the letting of a new tenancy, or where there is an existing tenancy, within 12 months from the commencement of the Regulations (see overleaf). A registration has to be renewed every three years if you continue to rent property.

All joint owners must register, but only one fee is applicable per group.

If you let a property when you have not registered, or provide false information for the purposes of registration, you are committing an offence. This can lead to receiving a fixed penalty fine of up to £500 or, if it goes to court you can be fined up to £2,500.

### Completing the Registration

All fields marked with \* are mandatory. This means that you must fully complete these fields to register.

If the mandatory fields on the registration form have not been fully completed, nidirect will either post the form back to you for completion, or contact you via telephone for additional information. You can tell nidirect which of these options you prefer.

Once you have completed this application you must post the form to nidirect at the address provided. They will check your form, ensuring that it has been fully completed. A letter of confirmation of how to pay will be issued to you – **do not send payment with this form.**

Your registration is not complete until the application form and payment has been processed. nidirect will then send your Landlord Toolkit and Landlord Registration certificate via your preferred method of contact.

If you require further information, or would prefer to complete your registration online, you can go to: [www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration](http://www.nidirect.gov.uk/register-as-a-landlord-or-renew-landlord-registration)

Alternatively, you can contact the Advice Line on 0300 200 7821.



### Fees

The fee for electronic registration/renewal is £70. The fee for non-electronic registration/renewal is £80.

Registration is valid for three years. Once the registration process has been completed landlords will receive a registration certificate confirming the registration details and registration number.

### Houses in Multiple Occupation

A person who is the owner of a House in Multiple Occupation (HMO), which is registered under a HMO Registration Scheme, is not liable to pay a fee. In such cases, the landlord must quote the **current** HMO number on this application – if you are not sure of the **current** HMO number, please contact NIHE (034 4892 0900).

### Completed forms

Please post completed forms to:

nidirect  
PO Box 2179  
Belfast  
BT1 9XS

**Type of application** (please tick appropriate box)

Landlord  Proceed to Section 1

Acting on behalf of a Landlord  Proceed to Section 2

### Privacy

Please note that the information provided on this application form will be recorded on the Landlord Register in line with Data Protection Legislation.

Please view the Landlord Registration Scheme Privacy Notice on Department for Communities website or [www.communities-ni.gov.uk/dfc-privacy-notice](http://www.communities-ni.gov.uk/dfc-privacy-notice) to find out more about:

- your information rights
- Landlord Registration Scheme data controller details and other data protection information
- how long the Landlord Registration Scheme will keep your data for
- more detail about how the Landlord Registration Scheme uses personal information

### Legislation

Article 65A(1) and (2) and Article 73(1) of The Private Tenancies (Northern Ireland) Order 2006(a)  
The Landlord Registration Scheme Regulations (Northern Ireland) 2014 (as amended 2016)  
Housing (Amendment) Act (Northern Ireland) 2011

## Section 1 – Landlord details

If registering a Company/Trust/Other please confirm the company name in full and nominate a person who will have authority to speak about the registration on the company's behalf and complete the personal details.

Please complete all sections fully in block capitals.

\*Title

\*First name

Other

\*Surname

\*Date of birth

Email address

\*Contact telephone no

Mobile telephone no

\*Address (including postcode). NB Please do not use the address you are letting

\*Correspondence address (if different from above). Must be in Northern Ireland

Please indicate your preferred method of contact:

Email

Post

Are you completing your Landlord Registration as a company?

Yes

No

If "Yes", please provide company registration number

Please ensure that all details provided are correct and proceed to Section 3

## Section 2 – Agent details

Please complete this section if you are managing a registration on behalf of a landlord – this could include a family member. Ensure that all sections are completed fully in block capitals.

\*Title

\*First name

\*Surname

\*Contact telephone no

\*Address (including  
postcode). NB Please  
do not use the address  
you are letting

Email address

**Please proceed to Section 1 to enter landlord details**

## Section 3 – Property details

Please complete this section for each property that you let. If you are required to enter more than 4 properties, include on additional sheets. Ensure that all sections are completed fully in block capitals.

### Property 1

\*Full address (building name, street name, town, city, country, postcode)

\*Year the property was built. If unsure, enter approximate year

\*Is the property owned privately? Yes  No

Is the property owned jointly? Yes  No

If "Yes", please include the name, email address and registration number below if already registered for all additional property owners. If more than 3, please use continuation page at the back of this form. Please note all Joint Owners are required to register but only one fee is applied to the group.

Once your registration has been processed, each Joint Owner will be supplied with a keycode to the email address quoted to enable him/her to register or if already registered to amend the registration. If you do not quote an email address, this keycode will be supplied to you and it will be your responsibility to give this to the Joint Owner.

#### Joint Owner Number 1

Name  Registration number (if already registered)   
 Email address

#### Joint Owner Number 2

Name  Registration number (if already registered)   
 Email address

#### Joint Owner Number 3

Name  Registration number (if already registered)   
 Email address

## Property 1 (cont'd)

\*Is the property a house in multiple occupation? Yes  No

If "Yes" please provide HMO registration number

## Additional voluntary information

Please provide the number of reception rooms

Please provide the number of bedrooms

Please provide the main heating type

Gas  Oil  Electric  Other

Please provide the external door type

PVC  Wood  Metal  Other

Does the property have an energy performance rating?

Yes  No

If "Yes", what is the performance rating A-G?

Is the current lease less than 5 years?

Yes  No

If "Yes", would you consider longer term leasing?

Yes  No

### Managing agent of person responsible for the property

\*Title

\*First name

\*Surname

\*Contact telephone no

\*Address (including postcode). NB Please do not use the address you are letting

Email address

## Property 2

\*Full address (building name, street name, town, city, country, postcode)

\*Year the property was built. If unsure, enter approximate year

\*Is the property owned privately? Yes  No

Is the property owned jointly? Yes  No

If "Yes", please include the name, email address and registration number below if already registered for all additional property owners. If more than 3, please use continuation page at the back of this form. Please note all Joint Owners are required to register but only one fee is applied to the group.

Once your registration has been processed, each Joint Owner will be supplied with a keycode to the email address quoted to enable him/her to register or if already registered to amend the registration. If you do not quote an email address, this keycode will be supplied to you and it will be your responsibility to give this to the Joint Owner.

### Joint Owner Number 1

Name  Registration number (if already registered)

Email address

### Joint Owner Number 2

Name  Registration number (if already registered)

Email address

### Joint Owner Number 3

Name  Registration number (if already registered)

Email address

## Property 2 (cont'd)

\*Is the property a house in multiple occupation? Yes  No

If "Yes" please provide HMO registration number

## Additional voluntary information

Please provide the number of reception rooms

Please provide the number of bedrooms

Please provide the main heating type

Gas  Oil  Electric  Other

Please provide the external door type

PVC  Wood  Metal  Other

Does the property have an energy performance rating?

Yes  No

If "Yes", what is the performance rating A-G?

Is the current lease less than 5 years?

Yes  No

If "Yes", would you consider longer term leasing?

Yes  No

### Managing agent of person responsible for the property

\*Title

\*First name

\*Surname

\*Contact telephone no

\*Address (including postcode). NB Please do not use the address you are letting

Email address

## Property 3

\*Full address (building name, street name, town, city, country, postcode)

\*Year the property was built. If unsure, enter approximate year

\*Is the property owned privately?    Yes     No

Is the property owned jointly?    Yes     No

If "Yes", please include the name, email address and registration number below if already registered for all additional property owners. If more than 3, please use continuation page at the back of this form. Please note all Joint Owners are required to register but only one fee is applied to the group.

Once your registration has been processed, each Joint Owner will be supplied with a keycode to the email address quoted to enable him/her to register or if already registered to amend the registration. If you do not quote an email address, this keycode will be supplied to you and it will be your responsibility to give this to the Joint Owner.

### Joint Owner Number 1

Name  Registration number (if already registered)   
 Email address

### Joint Owner Number 2

Name  Registration number (if already registered)   
 Email address

### Joint Owner Number 3

Name  Registration number (if already registered)   
 Email address



### Property 3 (cont'd)

\*Is the property a house in multiple occupation? Yes  No

If "Yes" please provide HMO registration number

### Additional voluntary information

Please provide the number of reception rooms

Please provide the number of bedrooms

Please provide the main heating type

Gas  Oil  Electric  Other

Please provide the external door type

PVC  Wood  Metal  Other

Does the property have an energy performance rating?

Yes  No

If "Yes", what is the performance rating A-G?

Is the current lease less than 5 years?

Yes  No

If "Yes", would you consider longer term leasing?

Yes  No

#### Managing agent of person responsible for the property

\*Title

\*First name

\*Surname

\*Contact telephone no

\*Address (including postcode). NB Please do not use the address you are letting

Email address

## Property 4

\*Full address (building name, street name, town, city, country, postcode)

\*Year the property was built. If unsure, enter approximate year

\*Is the property owned privately?    Yes     No

Is the property owned jointly?    Yes     No

If "Yes", please include the name, email address and registration number below if already registered for all additional property owners. If more than 3, please use continuation page at the back of this form. Please note all Joint Owners are required to register but only one fee is applied to the group.

Once your registration has been processed, each Joint Owner will be supplied with a keycode to the email address quoted to enable him/her to register or if already registered to amend the registration. If you do not quote an email address, this keycode will be supplied to you and it will be your responsibility to give this to the Joint Owner.

### Joint Owner Number 1

Name     Registration number (if already registered)

Email address

### Joint Owner Number 2

Name     Registration number (if already registered)

Email address

### Joint Owner Number 3

Name     Registration number (if already registered)

Email address

## Property 4 (cont'd)

\*Is the property a house in multiple occupation? Yes  No

If "Yes" please provide HMO registration number

## Additional voluntary information

Please provide the number of reception rooms

Please provide the number of bedrooms

Please provide the main heating type

Gas  Oil  Electric  Other

Please provide the external door type

PVC  Wood  Metal  Other

Does the property have an energy performance rating?

Yes  No

If "Yes", what is the performance rating A-G?

Is the current lease less than 5 years?

Yes  No

If "Yes", would you consider longer term leasing?

Yes  No

### Managing agent of person responsible for the property

\*Title

\*First name

\*Surname

\*Contact telephone no

\*Address (including postcode). NB Please do not use the address you are letting

Email address

## Declaration

Completion of this declaration is part of the registration process. You must sign and date it. Please read carefully before you do so:

- I declare that the information I have provided is correct and complete including all details for all of my properties (or the landlord's properties if I am registering on behalf of someone else)
- I understand that if I give information that is incorrect or incomplete, action may be taken against me (or the landlord if I am registering on behalf of someone else) which may include a fixed penalty fine or court action.
- I agree that the registration details I have provided (or those of the Landlord I am registering on behalf of someone else) will remain on the Northern Ireland Landlord Register for a period of three years and three months.
- If I (or the landlord if I am registering on behalf of someone else) choose to de-register within this period, the information provided will be removed from the Northern Ireland Landlord Register the day after de-registration has been completed.
- I understand that any information provided will be used to carry out statutory functions under the Private Tenancies (Northern Ireland) Order 2006
- I understand that the information I have provided may be used for the following purposes:
  - to issue a Certificate of Registration which will be valid for three years from the date of registration and/or renewed registration and contains a unique registration number;
  - to notify me (or the landlord if I am registering on behalf of someone else) four weeks in advance of the expiry of the current registration to enable members of the public to view the register to see if a landlord is registered;
  - to process payments that have been made in respect of registration and/or renewed registration;
  - a district council for the purpose of enabling or assisting that council to exercise its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978;
  - The Department of Finance for the purpose of its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc) (Northern Ireland) Order 2006;
  - The Northern Ireland Housing Executive for the purposes of the administration of Housing Benefit; and/or the regulation of Houses in Multiple Occupation;
  - The Department for Communities for the purposes of:
    - Welfare Supplementary Payments paid in respect of the application of the Benefit Cap; and/or
    - the administration of the housing element of Universal Credit.

Signature

Date

## Continuation page

