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PROTECTED

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ARLA Propertymark
Regional Meetings
and National
Conferences keep our
members up to date
with legislation and
the latest thinking on
industry best practice.

The lettings industry in Wales is continuing to adapt to legislative change.

Beginning with the introduction of the Rent Smart Wales scheme in 2016, recent years have seen significant change impacting the private rented sector. Landlords and their agents are required to be suitably trained and licensed in order to carry out letting and property management activities. The Renting Homes (Fees etc.) (Wales) Act is in force and tenancies signed on or after 1 September 2019 can no longer incur many of the fees that have previously been charged to private tenants.

The Welsh Government is looking into changing how the eviction process will work when the Renting Homes Act replaces the current tenancy regime. Soon, occupation contracts will replace tenancies and bring with them new challenges to letting property in Wales.

With more legislative change, comes more responsibility for landlords. It is now more vital than ever to ensure that your property is being managed by someone that understands and can put in to practice what is required to provide tenants with safe and decent quality homes.

ARLA Propertymark has long been at the heart of the private rented sector, providing letting agents with training and legal advice and supporting over 9,500 letting agents to help landlords.

Agents who display the ARLA Propertymark Protected logo are up to date on the latest legal changes and offer higher levels of protection. But we also hold these agents accountable. We expect them to meet high standards, hold client money separately and have their accounts independently inspected regularly.

ARLA Propertymark has been providing financial protection for landlords and tenants for years through our membership requirements. Our campaigning led to Client Money Protection being a requirement for letting agents as part of Rent Smart Wales. Furthermore, we are an approved training provider authorised by Rent Smart Wales.

Choose an agent with the tools to protect you, your property and tenants.

WHY USE AN ARLA PROPERTYMARK PROTECTED AGENT?

All agents who belong to ARLA Propertymark are required to operate in a transparent way, providing services which are subject to independent scrutiny. Any agent who falls below Propertymark's standards will be subject to disciplinary action.

USING A PROPERTYMARK PROTECTED AGENT PROVIDES GUARANTEES:

- Your income is backed by Propertymark Client Money Protection, a scheme which reimburses landlords and tenants for missing rent or deposits if their agent's business fails*
- The responsible agent holds a property management and lettings qualification to at least Level 3 eg A Level standard or equivalent
- The Level 3 qualification is higher than the minimum standard set by Rent Smart Wales
- Your agent's experience is supported by regular continuing professional development and refresher training
- They must belong to one of the two government approved independent redress schemes: The Property Ombudsman or Property Redress Scheme
- Your agent is up to date with complex legislative changes and best practice
- The agent must comply with a nationally recognised Code of Practice
- All agents offering Propertymark Protection must hold appropriate Professional Indemnity Insurance
- If they hold client money their accounts are independently inspected regularly
- If your agent is also dealing with sales they need to be registered with HM Revenue and Customs for anti-money laundering

ARLA Propertymark members are required to undertake training every year, this means that agents are up to date with best practice and understand legislative changes which regularly alter the requirements involved in residential lettings.



*Subject to scheme limits

CONFUSED?

CONSTRUCTION
(DESIGN AND MANAGEMENT)
REGULATIONS 2015
DEREGULATION ACT 2015

CONSUMER
RIGHTS
ACT 2015

LAW OF
PROPERTY
ACT 1925

TOWN
AND COUNTRY
PLANNING ACT 1990

BUILDING REGULATIONS PART P
(ELECTRICAL SAFETY)

OCCUPIERS' LIABILITY ACT 1957
TENANCY
DEPOSIT
PROTECTION
ENERGY
ACT 2011
A HOME IN THE
PRIVATE
RENTED SECTOR:
A GUIDE FOR TENANTS
IN WALES

THE COUNCIL TAX
(CHARGEABLE DWELLINGS)
ORDER 1992

THE HEAT NETWORK
(METERING AND BILLING) REGULATIONS 2014
WELFARE WALES
REFORM ACT 2012
(UNIVERSAL CREDIT)
FINANCE CONSTRUCTION
(NO.2)
(DESIGN AND MANAGEMENT)
ACT 2015
REGULATIONS 2015

DATA
PROTECTION
ACT 2018
THE PROCEEDS OF
CRIME
ACT 2002

TORTS
(INTERFERENCE WITH
GOODS) ACT 1977

THE FURNITURE
AND FURNISHINGS
(FIRE SAFETY)
REGULATIONS
THE SELECTIVE LICENSING
OF HOUSES (ADDITIONAL CONDITIONS) (WALES) ORDER 2006

ANTI-SOCIAL
BEHAVIOUR ACT 2003
THE PAYMENT
SERVICES REGULATIONS 2017

MORTGAGE TAX RELIEF

THE SELECTIVE
LICENSING
OF HOUSES
(ADDITIONAL CONDITIONS)
(WALES) ORDER 2006
CODE OF PRACTICE
FOR LANDLORDS
AND AGENTS
LICENSED UNDER PART 1 OF
THE HOUSING (WALES) ACT 2014
ELECTRICITY
AT WORK
REGULATIONS 1989

GENERAL DATA PROTECTION REGULATION
(GDPR)
REGULATION (EU) 2016/679

THE MONEY LAUNDERING,
TERRORIST
FINANCING AND
TRANSFER OF FUNDS
(INFORMATION ON THE PAYER)
REGULATIONS 2017

CONTROL OF SUBSTANCES
HAZARDOUS
TO HEALTH
REGULATIONS 1989; SECTION 3(2)
OF THE HEALTH AND SAFETY AT WORK ACT 1974

HOUSING
(WALES)
ACT 2014 – RENT
SMART WALES

GAS SAFETY
(INSTALLATION AND USE)
REGULATIONS 1998

LAND TRANSACTION
TAX
AND ANTI-AVOIDANCE
OF DEVOLVED TAXES
(WALES) ACT 2017

RENTING
HOMES (WALES) ACT 2016
THE ENERGY EFFICIENCY
(PRIVATE RENTED PROPERTY)
(ENGLAND AND WALES)
REGULATIONS 2015

GAS SAFETY
(INSTALLATION AND USE)
(AMENDMENT) REGULATIONS 2018
THE CONSUMER
PROTECTION
FROM UNFAIR TRADING
REGULATIONS 2008

HOUSING ACT 2004
ENVIRONMENTAL
PROTECTION ACT 1990
THE COUNCIL TAX
(ADDITIONAL PROVISIONS FOR
DISCOUNT DISREGARDS) REGULATIONS 1992
LANDLORD
AND TENANT
ACT 1987

WALES ACT 2014
ELECTRICAL EQUIPMENT
(SAFETY)
REGULATIONS 1994
TERRORISM
ACT 2000
EQUALITY
ACT 2010
THE HEAT NETWORK
(METERING AND BILLING)
REGULATIONS 2014

UNFAIR TERMS
IN CONSUMER CONTRACTS
REGULATIONS 1999

RENTING HOMES
(FEES ETC.)
(WALES) ACT 2019
PLUGS AND
SOCKETS ETC.,
(SAFETY) REGULATIONS 1994

ENERGY EFFICIENCY
(PRIVATE RENTED PROPERTY)
(ENGLAND AND WALES) REGULATIONS 2015

LANDLORD AND
TENANT
ACT 1985



ENFORCEMENT

Ignorance of the law is no defence. Enforcement is starting to catch up with legislation. Local authorities in Wales are now acting to make sure that those who must comply with Rent Smart Wales, do so, with fixed penalty notices of up to £250 being issued and prosecutions taken forward.

If landlords are not registered or use a letting agent who is not licensed, enforcement authorities can stop the rent being paid by the tenant for a period of time.

In addition to enforcement action, rent penalties and restriction on re-possession of property can also become a consequence of non-compliance.

- Criminal Prosecution and Fines
- Fixed Penalty Notices
- Rent Repayment Orders
- Rent Stopping Orders

If you decide to use an agent, make sure you ask the following questions:

- Which independent redress scheme do you belong to?
- Is a full list of your fees and charges freely available as required by law?
- Are you offering ARLA Propertymark Protection?



PROTECTING YOUR MONEY

There is now a requirement for all agents to have a separate and dedicated client account covered by a Client Money Protection scheme (CMP).

ARLA Propertymark has campaigned for many years for all letting agents to be required to belong to a scheme which provides essential protection for landlords and tenants.

If your agent offers Propertymark Protection independent checks will be made regularly on your agents' finances and you will be covered by our reimbursement scheme in the event that anything goes wrong.* Other agents who are not Propertymark Protected are not subject to these stringent and thorough inspections.

Rogue letting agent Manish Manek was found guilty of 17 counts of theft involving tenants' deposits and rent owed to landlords. He stole £47,000 before fleeing the UK in October 2012. A police investigation found that Manek had been putting tenant deposits and rent into his personal account.

He was finally arrested and sentenced to jail leaving landlords and tenants out of pocket. His victims never saw their money returned. If a letting agent is not covered by Client Money Protection, both landlords and tenants can lose their money.

All licensed agents will have CMP now, but by using a Propertymark Protected agent, your money is protected by the largest, safest and most established scheme on the market.

*Subject to scheme limits



HOW MUCH DOES YOUR AGENT KNOW?

Ask your agent these questions and satisfy yourself that they are equipped to manage your property.

What have you based your valuation on and how do the comparables relate to my property?

Agents must be transparent with their fee structure. Where can I find your fees on your website?

Are you giving tenants all of the documentation required by law at the start of a tenancy?

What do you do about inventories and property schedules?

What are your arrangements for checking smoke and carbon monoxide alarms?

What is your approach to electrical testing on portable appliances? and legionella testing?

How often do you visit the property and what reporting procedures do you have in place?

How can you protect me and my property in this increasingly litigious world?

What if the tenant defaults on rent payments and what is your timeline of expectations?

If I need to regain possession of my property, how will you go about it?

What is your Rent Smart Wales licence number?

PRINCIPLED, PROFESSIONAL, PROPERTYMARK PROTECTED.

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www.arla.co.uk/find-agent