

# **ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 8 - Housing: Registration of Certain Landlords**

##### ***Section 83 – Application for registration***

204. **Section 83** requires that an application for registration must specify the applicant's name and address, the address of any house in the local authority's area that the applicant lets other than to members of his family, the name and address of any agent for such houses and any further information that the Scottish Ministers may prescribe by regulations, which are subject to negative resolution procedure. Subsections (2) and (3) provide for the application to be accompanied by a fee but give the Scottish Ministers power to prescribe fees, how they are to be arrived at and in what cases no fee is payable. This means that Scottish Ministers will be able, for example, to set maximum fees or methods for their calculation to ensure that reasonable fees are charged. The regulations under subsection (3) are subject to negative resolution procedure. Subsections (4) and (5) make it an offence punishable by a fine up to level 3 on the standard scale (currently £1,000) to omit information or provide false information in an application.
205. Subsection (6) excludes from the requirement to be included in the application any house which is: regulated by the Scottish Commission for the Regulation of Care under the Regulation of Care (Scotland) Act 2001; used by a religious order for defined purposes; the subject of a local authority control order in terms of section 178 of the Housing (Scotland) Act 1987; or used for holiday purposes. Subsection (7) allows the Scottish Ministers to modify subsection (6), by order subject to affirmative resolution procedure. Subsection (8) provides that Part 8 does not apply to local authorities, registered social landlords or Scottish Homes and that the letting of houses only to family members is disregarded.