



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Failure to comply with notice: sanctions

72 Appeals against orders under section 71

- (1) An appeal against the decision of a sheriff making or refusing to make an order under section 71(1) shall be made to the sheriff principal and shall be made within the period of 21 days beginning with the day on which the decision appealed against was made.
- (2) Subsection (3) applies where a person appeals against the decision of a sheriff making an order under section 71(1)(a).
- (3) The person shall (in addition to complying with any other requirements as to notification imposed by virtue of any enactment) give notice to the person who has the use of the house to which the order relates (the “tenant”) of such matters as may be prescribed by the Scottish Ministers by regulations.
- (4) Regulations under subsection (3) may include provision for or in connection with—
 - (a) the form of the notice;
 - (b) the manner and timing of service of the notice.
- (5) If a person fails to comply with subsection (3), the sheriff principal shall not require the tenant to pay any sums that, but for the making of the order, would have been due by the tenant.
- (6) The Scottish Ministers may by regulations make provision for or in connection with specifying other circumstances in which the [F1Sheriff Appeal Court] shall not require a tenant to pay any sums that, but for the making of the order, would have been due by the tenant.
- (7) Regulations under subsection (6) may in particular include provision—

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 72 is up to date with all changes known to be in force on or before 09 February 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) specifying procedures;
- (b) imposing obligations on landlords.

(8) The decision of the sheriff principal on an appeal under this section shall be final.

Annotations:

Amendments (Textual)

- F1** Words in s. 72(6) substituted (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 3 para. 4** (with art. 4(2))

Commencement Information

- II** S. 72 wholly in force at 30.4.2006; s. 72 not in force at Royal Assent see s. 145(2); s. 72 in force for specified purposes at 28.10.2004 and 9.11.2005 and for all other purposes at 30.4.2006 by [S.S.I. 2004/420](#), arts. 2, 3, [Schs. 1, 6](#) (as amended by [S.S.I. 2005/553](#), art. 2, [Sch.](#) and [S.S.I. 2006/104](#), [art. 2](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)