



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 8

### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

#### *Enforcement*

#### 93 Offences

(1) Where—

- (a) a relevant person owns a house within the area of a local authority which is subject to—
- (i) a lease; or
  - (ii) an occupancy arrangement,
- by virtue of which an unconnected person may use the house as a dwelling;  
and

(b) the relevant person is not registered by that authority,  
the relevant person shall be guilty of an offence.

(2) Where—

- (a) a relevant person is not registered by a local authority; and
- (b) in relation to a house that the relevant person owns in the area of the authority, the relevant person communicates with another person with a view to entering into a lease or an occupancy arrangement such as is mentioned in subsection (1)(a),

the relevant person shall be guilty of an offence.

(3) Where subsection (5) applies, nothing in subsection (1) makes it an offence for a relevant person to own a house which is subject to a lease or, as the case may be, occupancy arrangement such as is mentioned in subsection (1).

(4) Where subsection (5) applies, nothing in subsection (2) makes it an offence for a relevant person to communicate with another person with a view to entering into

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 93 is up to date with all changes known to be in force on or before 24 April 2024. 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) View outstanding changes*

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a lease or, as the case may be, occupancy arrangement such as is mentioned in subsection (2).

(5) This subsection applies where—

(a) the relevant person has made an application under section 83 to the local authority within whose area the house is situated; <sup>F1</sup> . . .

[<sup>F2</sup>(aa) the local authority has not, during the year which immediately preceded the making of the application, refused to enter the relevant person in pursuance of an earlier application under section 83;

[<sup>F3</sup>(aaa) the relevant person is not disqualified from being registered by virtue of an order under section 93A(2);]

(ab) the application is accompanied by the fee determined under section 83(2); and]

(b) the application has not been determined under section 84 by the authority.

(6) It shall be a defence for a person charged with an offence under subsection (1) or (2) to show that there was a reasonable excuse for acting in the way charged.

(7) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>£50,000].

#### **Textual Amendments**

**F1** Word following s. 93(5)(a) repealed (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(8\)\(a\), 195](#) (with s. 193); S.S.I. 2006/14, [art. 2](#)

**F2** S. 93(5)(aa)(ab) inserted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(8\)\(b\), 195](#) (with s. 193); S.S.I. 2006/14, [art. 2](#)

**F3** S. 93(5)(aaa) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\), s. 41\(3\), sch. para. 8](#); S.S.I. 2013/82, [art. 2\(1\), sch.](#)

**F4** Sum in s. 93(7) substituted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\), ss. 7, 41\(3\)](#); S.S.I. 2011/270, [art. 2, sch.](#) (with [art. 3](#))

**Changes to legislation:**

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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\(1\)](#)