



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Enforcement

94 Circumstances in which no rent to be payable

- (1) Where a local authority is satisfied that the conditions in subsection (2) are met in relation to a house within its area, the authority may serve a notice under this section on the persons mentioned in subsection (5).
- (2) Those conditions are—
 - (a) that the owner of the house is a relevant person;
 - (b) that the house 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;
 - (c) that the relevant person is not registered by the local authority; and
 - (d) that, having regard to all the circumstances relating to the relevant person, it is appropriate for a notice to be served under this section.
- (3) Where a notice is served under this section, during the relevant period—
 - (a) no rent shall be payable under any lease or occupancy arrangement in respect of the house to which the notice relates;
 - (b) no other consideration shall be payable or exigible under any such lease or occupancy arrangement.
- (4) A notice served under this section shall specify—
 - (a) the name of the relevant person to whom it relates;
 - (b) the address of the house to which it relates;
 - (c) the effect of subsection (3); and

Status: This is the original version (as it was originally enacted).

- (d) the date on which it takes effect (which must not be earlier than the day after the day on which it is served).
- (5) Those persons are—
- (a) the relevant person;
 - (b) if the local authority is aware of the name and address of a person who has, by virtue of a lease or an occupancy arrangement such as is mentioned in subsection (2)(b), the use of the house to which the notice relates, that person; and
 - (c) if the local authority is aware of the name and address of a person who acts for the relevant person in relation to such a lease or an occupancy arrangement, that person.
- (6) If—
- (a) the local authority is unable to identify the relevant person, it may serve the notice under this section by publishing it in two or more newspapers (of which one shall, if practicable, be a local newspaper) circulating in the locality of the house to which the notice relates;
 - (b) the local authority is aware of the relevant person’s identity but is unable to ascertain the relevant person’s current address, it may serve the notice under this section by serving it on the landlord—
 - (i) at the house to which the notice relates; and
 - (ii) if it is aware of a previous address of the relevant person, at that address.
- (7) The condition mentioned in subsection (2)(c) shall not be taken to be met where—
- (a) the relevant person has made an application under section 83 to the local authority in whose area the house is situated; but
 - (b) the application has not been determined under section 84 by the authority.
- (8) Except as provided in subsection (3), nothing in this Part affects the validity of any lease or occupancy arrangement under which an unconnected person has the use as a dwelling of a house during the relevant period.
- (9) Where a local authority is aware of the name and address of a person mentioned in paragraph (b) or, as the case may be, (c) of subsection (5), failure to serve a notice on the person shall not affect the validity of the notice.
- (10) In this section, “relevant period” means the period beginning with the date specified in the notice and ending with the earlier of—
- (a) the revocation of the notice under section 95(2); or
 - (b) where the effect of the decision made on an appeal under section 97 is that rent or, as the case may be, other consideration is payable or exigible, that decision.