



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 8 **S**

### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

#### *Enforcement*

#### 97 Appeals **S**

- (1) A relevant person on whom a notice under section 94 is served may, before the expiry of the period of 21 days beginning with the date specified by virtue of subsection (4) (d) of that section in the notice, appeal to the [<sup>F1</sup>First-tier Tribunal] against the decision of the local authority to serve the notice.
- (2) Where, on the application of a person having an interest, a local authority makes a decision refusing to revoke a notice under section 95(2), the person may, before the expiry of the period of 21 days beginning with the day on which the decision is made, appeal to the [<sup>F2</sup>First-tier Tribunal] against the decision.
- (3) Subsection (4) applies where a person appeals against a decision such as is mentioned in subsection (1) or (2).
- (4) 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 as a dwelling of the house to which the notice relates (the “tenant”) of such matters as may be prescribed by the Scottish Ministers by regulations.
- (5) Regulations under subsection (4) may include provision for or in connection with—
  - (a) the form of the notice;
  - (b) the manner and timing of service of the notice.
- (6) If a person fails to comply with subsection (4), the [<sup>F3</sup>tribunal] hearing the appeal may not require the tenant to pay any sums that, but for the making of the [<sup>F4</sup>decision], would have been due by the tenant.

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 97 is up to date with all changes known to be in force on or before 18 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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- (7) The Scottish Ministers may by regulations make provision for or in connection with specifying other circumstances in which the [<sup>F5</sup>[<sup>F6</sup>tribunal] hearing the appeal] shall not require a tenant to pay any sums that, but for the making of the [<sup>F7</sup>decision], would have been due by the tenant.
- (8) Regulations under subsection (7) may in particular include provision—
- (a) specifying procedures;
  - (b) imposing obligations on landlords.

#### Textual Amendments

- F1** Words in s. 97(1) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 19\(3\)\(a\), 104\(3\); S.S.I. 2017/330, art. 3, sch.](#)
- F2** Words in s. 97(2) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 19\(3\)\(b\), 104\(3\); S.S.I. 2017/330, art. 3, sch.](#)
- F3** Word in s. 97(6) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 59\(a\); S.S.I. 2017/330, art. 3, sch.](#)
- F4** Word in s. 97(6) substituted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(9\), 195 \(with s. 193\); S.S.I. 2006/14, art. 2](#)
- F5** Words in s. 97(7) substituted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(10\)\(a\), 195 \(with s. 193\); S.S.I. 2006/14, art. 2](#)
- F6** Word in s. 97(7) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 59\(b\); S.S.I. 2017/330, art. 3, sch.](#)
- F7** Word in s. 97(7) substituted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(10\)\(b\), 195 \(with s. 193\); S.S.I. 2006/14, art. 2](#)

#### Commencement Information

- I1** S. 97 wholly in force at 30.4.2006; s. 97 not in force at Royal Assent see s. 145(2); s. 97 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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[View outstanding changes](#)

**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\(1\)](#)