



Housing (Scotland) Act 2006

2006 asp 1

PART 8

MISCELLANEOUS

176 Other amendments of Antisocial Behaviour etc. (Scotland) Act 2004

- (1) The Antisocial Behaviour etc. (Scotland) Act 2004 ([asp 8](#)) is amended as follows.
- (2) In section 82 (registers of certain landlords), subsection (2) is repealed.
- (3) In section 83(1) (information to be specified in an application for registration)—
 - (a) the word “and” which follows paragraph (c) is repealed,
 - (b) after paragraph (c) insert—
 - “(ca) the address to which correspondence with the relevant person should be directed; and”.
- (4) In section 84(5) (information to be stated in an entry in register), for “(c)” substitute “(ca)”.
- (5) In section 85(2)(b) (material relating to unlawful discrimination), the words from first “on” to “disability” are repealed.
- (6) After section 87, insert—

“87A Duty of local authority to note decisions of private rented housing committee

- (1) This section applies where a local authority receives notice under paragraph 6 of schedule 2 to the Housing (Scotland) Act 2006 ([asp 1](#)) that a private rented housing committee has, in pursuance of a decision of the committee—
 - (a) made or varied a repairing standard enforcement order;
 - (b) revoked a repairing standard enforcement order;
 - (c) consented under section 28(6) of that Act to the landlord entering into a tenancy or occupancy arrangement; or
 - (d) granted a certificate under section 60 of that Act;

and the landlord to whom the notice relates is a person registered by the local authority.

- (2) Where paragraph (a) or (c) of subsection (1) applies, the local authority must note the decision of the committee in the person's entry in the register.
- (3) Where paragraph (b) or (d) of subsection (1) applies, the local authority must remove any information noted in the register by virtue of subsection (2) which relates to the order revoked or to the order in relation to which the certificate was granted, as the case may be."

(7) After section 88 insert—

“88A Access to register

- (1) Each local authority shall, on the application of any person (“the applicant”), in relation to—
 - (a) a particular house, provide the applicant with—
 - (i) the name of the owner included in its register by virtue of section 83(1)(a) or 87(2);
 - (ii) the name of any person who acts for the owner in relation to a lease or occupancy arrangement to which the house is subject included in its register by virtue of section 83(1)(c), 87(2) or 88(2);
 - (iii) the address to which correspondence with the relevant person should be directed included in its register by virtue of section 83(1)(ca) or 87(2); and
 - (iv) any information included in its register by virtue of section 87A(2).
 - (b) a particular person, confirm to the applicant whether that other person is registered in its register.
- (2) A local authority may, on the application of any person, provide that person with such other information from its register as it thinks appropriate.
- (3) Information provided under subsection (2) may be provided subject to such conditions as the local authority thinks appropriate.
- (4) Despite subsection (1), a local authority may withhold information where it considers that providing the information would be likely to jeopardise—
 - (a) the safety or welfare of any person; or
 - (b) the security of any premises.”
- (8) In section 93(5) (circumstances in which offence is not committed)—
 - (a) the word “but” which follows paragraph (a) is repealed,
 - (b) after paragraph (a), insert—
 - “(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;
 - (ab) the application is accompanied by the fee determined under section 83(2); and”.

- (9) In section 97(6) (restriction on court’s power to require tenant to pay rent etc.), for “order” substitute “decision”.
- (10) In section 97(7) (circumstances in which tenant is not required to pay sums)—
- (a) for “sheriff principal” substitute “court hearing the appeal”;
 - (b) for “order” substitute “decision”.
- (11) In section 101 (interpretation of Part 8), after subsection (1) insert—
- “(1A) This subsection applies where—
- (a) a person other than the owner of a house is the landlord in relation to a lease or occupancy arrangement by virtue of which another person uses the house as a dwelling; and
 - (b) that other person is not a member of the family of the owner or of the person who is the landlord.
- (1B) Where subsection (1A) applies, both—
- (a) the person who is the landlord; and
 - (b) any other person who acts for that person in relation to the lease or occupancy arrangement,
- shall, for the purposes of this Part, be treated as having been appointed by the owner to act for, and as acting for, the owner in relation to a lease or occupancy arrangement by virtue of which a person who is not a member of the family of the owner may use the house as a dwelling.”.