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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 560**

**HOUSING  
CRIMINAL LAW  
LOCAL GOVERNMENT**

**The Antisocial Behaviour Notice (Appeals against  
Order as to Rent Payable) (Scotland) Regulations 2005**

*Made* - - - - *9th November 2005*  
*Laid before the Scottish*  
*Parliament* - - - - *11th November 2005*  
*Coming into force* - - *31st March 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 72(3) and (4) of the Antisocial Behaviour etc. (Scotland) Act 2004<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Antisocial Behaviour Notice (Appeals against Order as to Rent Payable) (Scotland) Regulations 2005 and shall come into force on 31st March 2006.

(2) In these Regulations “the 2004 Act” means the Antisocial Behaviour etc. (Scotland) Act 2004.

**Prescribed matters**

2. The matters prescribed for the purposes of section 72(3) of the 2004 Act are:—

- (a) a statement that a person has appealed against an order made by the sheriff under section 71(1)(a) of the 2004 Act; and
- (b) a statement that the tenant will require to pay any sums due but for the order made by the sheriff under section 71(1) of the 2004 Act, from the date of the order to the date of determination of the appeal, if so ordered by the Sheriff Principal.

### **Manner and Timing of Notice**

- 3.—(1) Any notice required by section 72(3) of the 2004 Act shall be in writing and served—
- (a) by delivering or by sending it by post to the tenant at the address of the house to which the notice refers; or
  - (b) where that tenant has consented to receive such notices by electronic communication, by sending it by electronic communication to that person.
- (2) The notice shall be served upon the tenant at the same time as the lodging of the appeal or as soon as is reasonably possible after the lodging of the appeal.

St Andrew's House, Edinburgh  
9th November 2005

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with appeals under section 72 of the Antisocial Behaviour etc. (Scotland) Act 2004. Appeals under that section are against the decision of a Sheriff to make a section 71 order in relation to the payment of rent following on from the service of an antisocial behaviour notice upon a landlord.

Regulation 2 prescribes the matters which are to be included in a notice to a tenant of a house which is the subject of the notice. The prescribed matters inform the tenant that an appeal has been made against the decision of the Sheriff and include a statement that the tenant may require to pay any rent which is, because of the section 71 order, not payable at the time of the notice. Section 72(5) of the Act provides that if the landlord does not notify the tenant, the sheriff principal cannot require such payments to be made, in which case the liability for rent payments resumes from the date on which the sheriff principal grants the appeal.

Regulation 3 makes provision for the manner and timing of service of the notice upon the tenant.

A Regulatory Impact Assessment has been prepared for these Regulations.