

*Draft Order laid before the Scottish Parliament under section 141(4) of the Antisocial Behaviour
etc. (Scotland) Act 2004, for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2005 No.

**HOUSING
CRIMINAL LAW
LOCAL GOVERNMENT**

**The Private Landlord Registration
(Modification) (Scotland) Order 2005**

Made - - - - 2005

Coming into force - - 1st January 2006

The Scottish Ministers in exercise of the powers conferred by section 83(7) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 141(4) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Private Landlord Registration (Modification) (Scotland) Order 2005 and shall come into force on 1st January 2006.

Modification of section 83

2. Section 83 of the Antisocial Behaviour etc. (Scotland) Act 2004 is modified as follows—

(a) omit “or” which immediately follows subsection (6)(c); and

(b) after subsection (6)(d) insert—

“(e) the house is the only or main residence of the relevant person;

(f) the house is—

(i) on agricultural land which is land comprised in a lease constituting a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act

- 2003(2) or comprised in a lease constituting a short limited duration tenancy or limited duration tenancy (within the meaning of that Act); and
- (ii) occupied by the tenant of the relevant lease;
- (g) the house is on a croft (within the meaning of section 3 of the Crofters (Scotland) Act 1993(3));
- (h) the house is–
- (i) on a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931 applies;
 - (ii) not situated in the crofting counties (within the meaning of the Crofters (Scotland) Act 1993); and
 - (iii) occupied by the landholder;
- (i) the house is occupied by virtue of a liferent;
- (j) the house is–
- (i) owned by an organisation which has the advancement of religion as its principal purpose and the regular holding of worship as its principal activity; and
 - (ii) occupied by a person whose principal responsibility is the leading of members of the organisation in worship and preaching the faith of that organisation;
- (k) the house is part of an estate of a deceased person and has been held by an executor for a period not exceeding 6 months from the date of death; or
- (l) the house is in the lawful possession of a heritable creditor and has been held by that creditor for a period not exceeding 6 months from the date of possession.”.

St Andrew’s House,
Edinburgh
2005

A member of the Scottish Executive

(2) 2003 asp 11.
(3) 1993 c. 44.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 83(6) of the Antisocial Behaviour etc. (Scotland) Act 2004.

Section 83 of the Act provides for the application for registration by landlords for the purposes of Part 8 of the Act.

Section 83(6) lists categories of houses the use of which is to be disregarded for the purposes of registration. This Order adds additional categories to that list.

A Regulatory Impact Assessment has been prepared for this Order.