

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

2022 No.

HOUSING

LOCAL GOVERNMENT

The Private Landlord Registration
(Modification) (Scotland) Order 2022

Made - - - - 2022
Coming into force - - 2022

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 83(7) and 141(2) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 141(4) of that Act⁽²⁾, a draft of this instrument has 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 2022 and comes into force on the day after the day on which it is made.

Modification of the Antisocial Behaviour etc. (Scotland) Act 2004

2. Section 83(6) of the Antisocial Behaviour etc. (Scotland) Act 2004 (application for registration) is modified as follows—

- (a) the word “or” immediately after paragraph (m) is repealed,
- (b) after paragraph (n) insert—
 - “; or
 - (o) the house is being used, under an occupancy arrangement, by a person who has permission to enter into or to stay in the United Kingdom granted under the

(1) 2004 asp 8.
(2) Section 141 has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

immigration rules laid down under section 3(2) of the Immigration Act 1971⁽³⁾
in relation to the Homes for Ukraine Sponsorship Scheme⁽⁴⁾”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(3) 1971 c. 77.

(4) The rules in relation to the Homes for Ukraine Sponsorship Scheme are set out at UKR 11.1 to UKR 20.2 of the Appendix Ukraine Scheme of the Immigration Rules (HC 395). <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ukraine-scheme>. “Permission to enter” and “permission to stay” are defined at paragraph 6.2 of the Immigration Rules: Introduction (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-introduction#intro6>).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 83(6) of the Antisocial Behaviour etc. (Scotland) Act 2004 (“the Act”) under powers provided in sections 83(7) and 141(2) of the Act to restrict the application of the landlord register in certain specified circumstances.

Section 83(6) lists circumstances where the use of a house as a dwelling is to be disregarded for the purposes of landlord registration. This Order adds a further set of circumstances where the use of a house as a dwelling is to be disregarded for the purposes of landlord registration.

Article 2 of the Order modifies section 83(6) to provide that the use of a house under an occupancy arrangement (not a lease) by a person who has permission to enter or stay in the United Kingdom granted under the Homes for Ukraine Sponsorship Scheme route in the immigration rules, does not constitute the use of a dwelling for the purposes of landlord registration.