

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with appeals under section 97 of the Antisocial Behaviour etc. (Scotland) Act 2004. Appeals under that section are against the decision of a local authority to serve a notice under section 94 (“the section 94 notice”) in relation to the payment of rent, or a decision of a local authority not to revoke such a notice.

Regulation 2 prescribes the matters which are to be included when notice is given by a landlord to a tenant under section 97(4). The prescribed matters inform the tenant that an appeal has been made against the decision of the local authority and that, if the appeal is successful, the tenant may be ordered (by the sheriff) to pay rent which would have been due but for the section 94 notice or the decision not to revoke such a notice.

Section 92(6) of the Act provides that if the landlord does not notify the tenant, the sheriff cannot order such payments to be made, in which case the liability for rent payments resumes from the date on which the sheriff 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.