
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 562

**HOUSING
CRIMINAL LAW
LOCAL GOVERNMENT**

**The Antisocial Behaviour Notice (Landlord
Liability) (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 78(3) and (4) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽¹⁾ 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 (Landlord Liability) (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.

(3) A reference in these Regulations to an antisocial behaviour notice is a reference to the relevant antisocial behaviour notice served on a landlord under section 68(1) of the 2004 Act.

Landlord Liability for Expenditure of Local Authority

2.—(1) A landlord who is subject to an antisocial behaviour notice shall be liable for the expenditure of a local authority prescribed in paragraph (2) in the following circumstances:

- (a) the local authority has given the landlord and any person to whom a copy of the antisocial behaviour notice has been given in terms of section 68(4) of the 2004 Act, notice in writing of the intention of that local authority to take such steps as it considers necessary under section 78(2) of the 2004 Act;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) that notice contains a statement that the local authority will seek to recover the expenditure from the landlord; and
 - (c) that notice contains an estimate by the local authority of the expenditure in relation to the steps it considers necessary as referred to in paragraph (1)(a) above which it will seek to recover.
- (2) The expenditure referred to in paragraph (1) is:
- (a) payments made by the local authority to other persons for services which either deal with the antisocial behaviour specified in the antisocial behaviour notice or contribute to dealing with that behaviour;
 - (b) costs incurred by the local authority which are directly associated with dealing with the antisocial behaviour specified in the antisocial behaviour notice including appropriate costs of staff and relevant overheads.

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 prescribe the circumstances in which a landlord, who is subject to an antisocial behaviour notice under Part 7 of the Antisocial Behaviour etc. (Scotland) Act 2004, shall be liable for prescribed expenditure.

The prescribed circumstances are set out in regulation 2(1). The expenditure for which a landlord shall be liable is set out in regulation 2(2) as:-

- (a) payments made by local authorities to other parties for services connected with dealing with the relevant antisocial behaviour;
- (b) costs of the local authority which are directly connected to dealing with the relevant antisocial behaviour.

A Regulatory Impact Assessment has been prepared for these Regulations.