



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Interpretation

81 Interpretation of Part 7

(1) In this Part—

“landlord”, in relation to an occupancy arrangement, means the person who under the arrangement permits another to occupy the building or, as the case may be, the part of the building;

“occupancy arrangement” means any arrangement under which a person having the lawful right to occupy a building or part of a building permits another, by way of contract or otherwise, to occupy the building or, as the case may be, the part of it; but does not include a lease;

“relevant house” means, subject to subsection (2), any building or part of a building which—

- (a) is occupied as a dwelling under—
 - (i) a tenancy; or
 - (ii) an occupancy arrangement; and
- (b) does not fall within subsection (3).

(2) If—

- (a) the same person is the landlord in relation to two or more relevant houses; and
 - (b) those relevant houses share the same toilet, washing or cooking facilities,
- then those relevant houses shall be deemed to be a single relevant house.

(3) A building or part of a building falls within this subsection if—

- (a) it is owned by—
 - (i) a local authority;

Status: This is the original version (as it was originally enacted).

- (ii) a registered social landlord; or
 - (iii) Scottish Homes;
 - (b) it is used for the provision of—
 - (i) a care home service (as defined in subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001 (asp 8));
 - (ii) a school care accommodation service (as defined in subsection (4) of that section);
 - (iii) an independent health care service (as defined in subsection (5) of that section); or
 - (iv) a secure accommodation service (as defined in subsection (9) of that section);
 - (c) the house is used by a religious order the principal occupation of which is prayer, contemplation, education or the relief of suffering; or
 - (d) a control order under section 178 of the Housing (Scotland) Act 1987 (c. 26) is in force in respect of the house.
- (4) For the purposes of this Part, a person engages in antisocial behaviour if the person—
- (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or
 - (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance,
- to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house.