



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Failure to comply with notice: sanctions

71 Failure to comply with notice: order as to rental income

- (1) If, on the application of the local authority that served an antisocial behaviour notice on a landlord under section 68(1) [^{F1}or (1A)], the sheriff is satisfied as to the matters mentioned in subsection (2), the sheriff may—
- (a) make an order that, with effect from the making of the order—
 - (i) no rent be payable by any person who occupies the relevant house; and
 - (ii) no other consideration be payable or exigible for occupation of the relevant house; and
 - (b) make such incidental order as the sheriff considers necessary.
- (2) Those matters are—
- (a) that the landlord has not taken the action specified in the antisocial behaviour notice within the time so specified; and
 - (b) that, having regard to all the circumstances relating to the relevant house, it would be reasonable for the landlord to take that action.
- (3) Where an order is made under subsection (1), the local authority shall give a copy of the order to the persons mentioned in subsection (4).
- (4) Those persons are—
- (a) if the local authority is aware of the name and address of a person who by virtue of a tenancy or an occupancy arrangement occupies the house to which the order relates, that person; and

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 71 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) if the local authority is aware of the name and address of a person who acts for the landlord as respects the tenancy or occupancy arrangement relating to the relevant house, that person.
- (5) Except as provided in an order under subsection (1), nothing in this Part affects the validity of any lease or occupancy arrangement by virtue of which a person has the use of a relevant house during the period when the order is in force.

Textual Amendments

- F1** Words in s. 71(1) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **5**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)