



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Failure to comply with notice: sanctions

78 Failure to comply with notice: action by authority at landlord's expense

- (1) Subsections (2) and (3) apply where—
 - (a) a local authority serves an antisocial behaviour notice on a landlord under section 68(1) [^{F1}or (1A)] ;
 - (b) the landlord fails to take the action specified in the notice within the time so specified; and
 - (c) in consequence of that failure, it appears to the authority that it is necessary for it to take steps to deal with the antisocial behaviour described in the notice [^{F2}under section 68(1) or, as the case may be, future antisocial behaviour in respect of which action was specified in a notice under section 68(1A)].
- (2) The local authority may take such steps as it considers necessary to deal with the antisocial behaviour described in the notice [^{F3}under section 68(1) or, as the case may be, future antisocial behaviour in respect of which action was specified in a notice under section 68(1A)].
- (3) In such circumstances as the Scottish Ministers may by regulations prescribe, the landlord shall be liable for expenditure—
 - (a) incurred, by virtue of subsection (2), by the local authority; and
 - (b) of such description as may be so prescribed.
- (4) Regulations under subsection (3) may include provision for or in connection with—
 - (a) imposing requirements on local authorities and landlords as respects arrangements for the notification and collection of expenditure of a description prescribed in the regulations;

Status: Point in time view as at 12/03/2011.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 78 is up to date with all changes known to be in force on or before 25 August 2023. 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)*

- (b) specifying arrangements for the settling of disputes arising by virtue of subsection (3).

Textual Amendments

- F1** Words in s. 78(1)(a) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **7(a)**
- F2** Words in s. 78(1)(c) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **7(b)**
- F3** Words in s. 78(2) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **7(c)**
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Commencement Information

- I1** S. 78 wholly in force at 30.4.2006; s. 78 not in force at Royal Assent see s. 145(2); s. 78 in force for specified purposes at 28.10.2004 and 9.11.2005 and for all other purposes at 30.4.2006 by [S.S.I. 2004/420](#), arts. 2, 3, [Schs. 1, 6](#) (as amended by [S.S.I. 2005/553](#), art. 2, [Sch.](#) and [S.S.I. 2006/104](#), art. 2)

Status:

Point in time view as at 12/03/2011.

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