



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 8

### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

#### *Registration*

#### **83 Application for registration**

- (1) An application by a relevant person to a local authority for entry in the register maintained by it under section 82(1) shall specify—
- (a) the name and address of the relevant person;
  - (b) the address of each house (if any) within the area of the authority which the relevant person owns and which is subject to—
    - (i) a lease; or
    - (ii) an occupancy arrangement,  
by virtue of which an unconnected person may use the house as a dwelling;
  - (c) if the relevant person has a person who acts for the person in relation to the lease or occupancy arrangement to which any house specified under paragraph (b) is subject, the name and address of the person; <sup>F1</sup> . . .
- [<sup>F2</sup>(ca) the address to which correspondence with the relevant person should be directed; and]
- (d) such other information as the Scottish Ministers may by regulations prescribe.
- (2) Subject to subsection (3), the application shall be accompanied by such fee as the local authority may determine.
- (3) The Scottish Ministers may by regulations prescribe for the purposes of subsection (2)
- (a) fees;
  - (b) how fees are to be arrived at;
  - (c) cases in which no fee shall be payable.

*Status: Point in time view as at 12/02/2009. This version of this provision has been superseded.*

**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 83 is up to date with all changes known to be in force on or before 26 January 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)*

- (4) A person who, in an application under this section—
- (a) specifies information which the person knows is false in a material particular; or
  - (b) knowingly fails to specify information required by subsection (1),
- shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) For the purposes of subsection (1)(b), the use of a house as a dwelling shall be disregarded if—
- (a) the house is being 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);
  - (b) the house is being used by a religious order the principal occupation of which is prayer, contemplation, education or the relief of suffering;
  - (c) a control order under section 178 of the Housing (Scotland) Act 1987 (c. 26) is in force in respect of the house; <sup>F3</sup> . . .
  - (d) the house is being used for holiday purposes.
  - <sup>F4</sup>(e) the house is the only or main residence of the relevant person;
  - (f) the house is—
    - (i) on agricultural land which is land comprised in a lease constituting a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 <sup>M1</sup> or comprised in a lease constituting a short limited duration tenancy or limited duration tenancy (within the meaning of that Act); and
    - (ii) occupied by the tenant of the relevant lease;
  - (g) the house is on a croft (within the meaning of section 3 of the Crofters (Scotland) Act 1993 <sup>M2</sup>);
  - (h) the house is—
    - (i) on a holding to which any of the provisions of the Small Landholders (Scotland) Acts 1886 to 1931 applies;
    - (ii) not situated in the crofting counties (within the meaning of the Crofters (Scotland) Act 1993); and
    - (iii) occupied by the landholder;
  - (i) the house is occupied by virtue of a liferent;
  - (j) the house is—
    - (i) owned by an organisation which has the advancement of religion as its principal purpose and the regular holding of worship as its principal activity; and
    - (ii) occupied by a person whose principal responsibility is the leading of members of the organisation in worship and preaching the faith of that organisation;

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- (k) the house is part of an estate of a deceased person and has been held by an executor for a period not exceeding 6 months from the date of death; <sup>F5</sup> . . .
  - (l) the house is in the lawful possession of a heritable creditor and has been held by that creditor for a period not exceeding 6 months from the date of possession; <sup>F6</sup> or
  - (m) the house is owned by a person acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986 <sup>M3</sup> and has been so owned by that person for a period not exceeding six months.]
- (7) The Scottish Ministers may by order modify subsection (6).
- (8) In this Part—
- “relevant person” means a person who is not—
    - (a) a local authority;
    - (b) a registered social landlord; or
    - (c) Scottish Homes; and
  - “unconnected person”, in relation to a relevant person, means a person who is not a member of the family of the relevant person.

#### Textual Amendments

- F1** Word following s. 83(1)(c) repealed (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 176(3)(a), 195** (with s. 193); [S.S.I. 2006/14](#), **art. 2**
- F2** S. 83(1)(ca) inserted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 176(3)(b), 195** (with s. 193); [S.S.I. 2006/14](#), **art. 2**
- F3** Word following s. 83(6)(c) omitted (1.1.2006) by virtue of [The Private Landlord Registration \(Modification\) \(Scotland\) Order 2005 \(S.S.I. 2005/650\)](#), **art. 2(a)**
- F4** S. 83(6)(e)-(l) inserted (1.1.2006) by [The Private Landlord Registration \(Modification\) \(Scotland\) Order 2005 \(S.S.I. 2005/650\)](#), **art. 2(b)**
- F5** Word following s. 83(6)(k) omitted (12.2.2009) by virtue of [The Private Landlord Registration \(Modification\) \(Scotland\) Order 2009 \(S.S.I. 2009/33\)](#), **art. 2(a)**
- F6** S. 83(6)(m) and preceding word inserted (12.2.2009) by [The Private Landlord Registration \(Modification\) \(Scotland\) Order 2009 \(S.S.I. 2009/33\)](#), **art. 2(b)**

#### Commencement Information

- I1** S. 83 wholly in force at 30.4.2006; s. 83 not in force at Royal Assent see s. 145(2); s. 83 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**)

#### Marginal Citations

- M1** 2003 asp 11.
- M2** 1993 c. 44.
- M3** 1986 c. 45. Section 388 was amended by regulation 17 of [S.I. 2002/1240](#).

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