



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Registration

[^{F1}85A Fit and proper person: criminal record certificate

- (1) A local authority may, in deciding for the purposes of section 84(3) or (4) whether a relevant person is, or is no longer, a fit and proper person, require the relevant person to provide the local authority with a criminal record certificate (within the meaning of section 113A of the Police Act 1997 (c. 50)).
- (2) A local authority may require a criminal record certificate to be provided under subsection (1) only if it has reasonable grounds to suspect that the information provided with an application for entry in the register maintained under section 82(1) in relation to material falling within subsection (2), (3) or (4) of section 85 is, or has become, inaccurate.
- (3) Where a local authority has required a criminal record certificate to be provided under subsection (1)—
 - (a) in the case of an application for entry in the register maintained under section 82(1), a relevant person may not be entered in the register until the certificate has been received by the local authority;
 - (b) in the case of a relevant person entered in the register, the relevant person must provide the certificate within such reasonable period as the local authority directs.]

Textual Amendments

- F1** S. 85A inserted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), ss. 2, 41(3); S.S.I. 2011/270, art. 2, sch.

Changes to legislation:

Antisocial Behaviour etc. (Scotland) Act 2004, Section 85A is up to date with all changes known to be in force on or before 12 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 85A Title substituted by [2020 asp 13 sch. 5 para. 4\(d\)](#)
- s. 85A(1) words substituted by [2020 asp 13 sch. 5 para. 4\(a\)](#)
- s. 85A(2) words substituted by [2020 asp 13 sch. 5 para. 4\(b\)](#)
- s. 85A(3) words substituted by [2020 asp 13 sch. 5 para. 4\(b\)](#)
- s. 85A(3)(a) words substituted by [2020 asp 13 sch. 5 para. 4\(c\)](#)
- s. 85A(3)(b) words substituted by [2020 asp 13 sch. 5 para. 4\(c\)](#)

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\(1\)](#)