



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Registration

88 Registered person: appointment of agent

(1) Subsection (2) applies where—

- (a) a person is registered by a local authority (the “registered person”); and
- (b) the registered person appoints a person to act for the person in relation to—
 - (i) a lease; or
 - (ii) occupancy arrangement,

by virtue of which an unconnected person may use as a dwelling a house within the area of the authority which the registered person owns.

(2) The registered person shall, as soon as practicable after appointing the person, give notice in writing to the local authority of the appointment.

[^{F1}(2A) Subject to subsections (2B) and (2C), the notice shall be accompanied by such fee as the local authority may determine.

(2B) No fee shall be payable under subsection (2A) if, when the notice is given—

- (a) the person appointed is entered in the register as a relevant person; or
- (b) another relevant person's entry in the register states that the person appointed acts for the other relevant person.

(2C) The Scottish Ministers may by regulations prescribe for the purposes of subsection (2A)—

- (a) fees;
- (b) how fees are to be arrived at;
- (c) other cases in which no fee shall be payable.]

Status: Point in time view as at 01/07/2012. This version of this provision has been superseded.

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Section 88 is up to date with all changes known to be in force on or before 22 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)

- (3) The local authority shall, as soon as practicable after being given notice under subsection (2), determine whether the condition in subsection (4) is satisfied in relation to the person appointed.
- (4) The condition is that the person is a fit and proper person to act for the registered person in relation to a lease or occupancy arrangement such as is mentioned in subsection (1) (b).
- (5) Subsections (2) to (5) of section 85 shall apply for the purposes of subsection (4) as those subsections apply for the purposes of subsection (1) of that section.
- (6) If the local authority determines that the condition in subsection (4) is satisfied—
- (a) the registered person shall be deemed, with effect from the date of the determination, to be registered by virtue of subsection (4) of section 84; and
 - (b) the local authority shall give the registered person notice in writing of that fact.
- (7) Subsection (6)(a) shall not affect the calculation of the period mentioned in section 84(6).
- (8) If the local authority determines that the condition in subsection (4) is not satisfied, the authority shall remove the registered person from the register.
- [^{F2}(9) A registered person is guilty of an offence who, without reasonable excuse—
- (a) in giving notice under subsection (2), specifies information which is false in a material particular; or
 - (b) fails to comply with subsection (2).
- (10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

- F1** S. 88(2A)-(2C) inserted (31.8.2011 for specified purposes, 1.7.2012 in so far as not already in force) by *Private Rented Housing (Scotland) Act 2011 (asp 14)*, **ss. 4(a)**, 41(3); S.S.I. 2011/270, art. 2, sch.; S.S.I. 2012/150, art. 2(2)
- F2** S. 88(9)(10) inserted (31.8.2011) by *Private Rented Housing (Scotland) Act 2011 (asp 14)*, **ss. 4(b)**, 41(3); S.S.I. 2011/270, art. 2, sch.

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