



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Antisocial behaviour notices

68 Antisocial behaviour notices

(1) Where it appears to a local authority that either person mentioned in subsection (2) is engaging in antisocial behaviour at, or in the locality of, a relevant house situated within the authority's area, the authority may serve an antisocial behaviour notice on the landlord of the relevant house.

[^{F1}(1A) A local authority may also serve an antisocial behaviour notice on the landlord of a relevant house situated within the authority's area and used for holiday purposes where—

- (a) the house has been used for those purposes on at least two occasions;
- (b) during at least two of those occasions a person mentioned in subsection (2) has engaged in antisocial behaviour at, or in the locality of, that house; and
- (c) the authority anticipates further use for those purposes that will result in antisocial behaviour by such a person.]

(2) Those persons are—

- (a) any person who, by virtue of a tenancy or an occupancy arrangement, occupies the relevant house mentioned in subsection (1) [^{F2}or, as the case may be, (1A)]; and
- (b) any visitor for the time being in that house.

(3) An antisocial behaviour notice is a notice—

- [^{F3}(za) stating whether it is served under subsection (1) or subsection (1A);]
- (a) [^{F4}where the notice is served under subsection (1),] describing the antisocial behaviour that has been engaged in at, or in the locality of, the relevant

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- house to which the notice relates by either of the persons mentioned in subsection (2);
- [^{F5}(aa) where the notice is served under subsection (1A), describing the antisocial behaviour that has been engaged in at, or in the locality of, the relevant house to which the notice relates;]
- (b) [^{F6}where the notice is served under subsection (1),] requiring the landlord of the relevant house to take, before the expiry of such period as may be specified in the notice, such action for the purpose of dealing with the antisocial behaviour as may be so specified;
- [^{F7}(ba) where the notice is served under subsection (1A), requiring the landlord of the relevant house to take, before the expiry of such period as may be specified in the notice, such action for the purpose of dealing with future antisocial behaviour as may be so specified;]
- (c) stating the consequences of failure to take, within that period, the action so specified; and
- (d) informing the landlord of the right to request a review under section 69(1).
- (4) 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, the authority shall, in addition to serving a notice on the landlord under subsection (1), give a copy of the notice to the person.
- (5) If—
- (a) the local authority is unable to identify the landlord, it may serve the notice under subsection (1) [^{F8}or (1A)] by publishing it in two or more newspapers (of which one shall, if practicable, be a local newspaper) circulating in the locality of the relevant house;
- (b) the local authority is aware of the landlord’s identity but is unable to ascertain the landlord’s current address, it may serve the notice under that subsection by serving it on the landlord—
- (i) at the relevant house; and
- (ii) if it is aware of a previous address of the landlord, at that address.
- (6) For the purpose of applying this Part in relation to relevant houses which are used for holiday purposes, the Scottish Ministers may by order make such modifications of the Part as they consider necessary or expedient.

Textual Amendments

- F1** S. 68(1A) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(a)**
- F2** Words in s. 68(2)(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, **3(b)**
- F3** S. 68(3)(za) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(i)**
- F4** Words in s. 68(3)(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, **3(c)(ii)**
- F5** S. 68(3)(aa) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(iii)**
- F6** Words in s. 68(3)(b) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(iv)**

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- F7** S. 68(3)(ba) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(v)**
- F8** Words in s. 68(5)(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, **3(d)**

Commencement Information

- I1** S. 68 wholly in force at 30.4.2006; s. 68 not in force at Royal Assent see s. 145(2); s. 68 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)

69 Review of antisocial behaviour notices

- (1) If a landlord on whom an antisocial behaviour notice is served under section 68(1) [^{F9}or (1A)] requests the local authority that served the notice to review the notice, the local authority shall review the notice.
- (2) A request under subsection (1) shall be made before the expiry of the period of 21 days beginning with the day on which the notice is served or such longer period as the authority may allow.
- (3) There is no duty to carry out a review of a decision reached on review.

Textual Amendments

- F9** Words in s. 69(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, 4

70 Internal procedure on review

- (1) A review of an antisocial behaviour notice under section 69(1) shall be carried out by a person (a “reviewer”) who had no involvement in the decision to issue the notice and who is senior to the person who was responsible for the processes culminating in that decision.
- (2) The reviewer may—
 - (a) confirm the notice;
 - (b) vary any part of it;
 - (c) suspend the notice for such period as may be specified pending completion of the review; or
 - (d) revoke the notice.
- (3) The local authority shall notify the person who requested the review of the decision reached on review and the reasons for reaching that decision.

Changes to legislation:

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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\(1\)](#)