
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 559

**HOUSING
CRIMINAL LAW
LOCAL GOVERNMENT**

**The Private Landlord Registration (Appeals against
Decision as to Rent Payable) (Scotland) Regulations 2005**

Made - - - - - *9th November 2005*
Laid before the Scottish
Parliament - - - - - *11th November 2005*
Coming into force - - - - - *31st March 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 97(4) and (5) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Landlord Registration (Appeals against Decision as to Rent Payable) (Scotland) Regulations 2005 and shall come into force on 31st March 2006.

(2) In these Regulations “the 2004 Act” means the Antisocial Behaviour etc. (Scotland) Act 2004.

Prescribed matters

2. The matters prescribed for the purposes of section 97(4) of the 2004 Act are:—

- (a) a statement that a person has either appealed against—
 - (i) a decision of a local authority to serve a notice under section 94 of the 2004 Act; or
 - (ii) a decision of a local authority under section 95 of the 2004 Act to refuse to revoke such a notice following the application of a person having an interest; and
- (b) a statement that the tenant will require to pay any sums that, but for the making of either of the decisions referred to in paragraph (a) above, would have been due by the tenant from—

- (i) in the case of sub-paragraph (a)(i) above, the date when the notice served under section 94 of the 2004 Act had effect; or
 - (ii) in the case of sub-paragraph (a)(ii) above, the date when the local authority refused to revoke its decision under section 95 of the 2004 Act,
- if so ordered by the Sheriff.

Manner and Timing of Notice

- 3.—(1) Any notice required by section 97(4) of the 2004 Act shall be in writing and served—
- (a) by delivering or by sending it by post to the tenant at the address of the house to which the notice refers; or
 - (b) where that tenant has consented to receive such notices by electronic communication, by sending it by electronic communication to that person.
- (2) The notice shall be served upon the tenant at the same time as the lodging of the appeal or as soon as is reasonably possible after the lodging of the appeal.

St Andrew's House, Edinburgh
9th November 2005

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with appeals under section 97 of the Antisocial Behaviour etc. (Scotland) Act 2004. Appeals under that section are against the decision of a local authority to serve a notice under section 94 (“the section 94 notice”) in relation to the payment of rent, or a decision of a local authority not to revoke such a notice.

Regulation 2 prescribes the matters which are to be included when notice is given by a landlord to a tenant under section 97(4). The prescribed matters inform the tenant that an appeal has been made against the decision of the local authority and that, if the appeal is successful, the tenant may be ordered (by the sheriff) to pay rent which would have been due but for the section 94 notice or the decision not to revoke such a notice.

Section 92(6) of the Act provides that if the landlord does not notify the tenant, the sheriff cannot order such payments to be made, in which case the liability for rent payments resumes from the date on which the sheriff grants the appeal.

Regulation 3 makes provision for the manner and timing of service of the notice upon the tenant.

A Regulatory Impact Assessment has been prepared for these Regulations.