
EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 83(6) of the Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”).

Section 83 of the Act provides for the application for registration by landlords for the purposes of Part 8 of the Act.

Section 83(6) lists categories of houses, the use of which is to be disregarded for the purposes of registration. It was modified by the Private Landlord Registration (Modification) (Scotland) Order 2005 (S.S.I.

[2005/650](#)) and this Order adds an additional category to the list of exempted uses.

Where a house is owned by a person acting as an insolvency practitioner, there is a six month exemption from registration as a landlord, unless the appointment is made by the Accountant in Bankruptcy. In that case, Crown immunity applies and there is a permanent exemption from registration. Those exempted will include trustees in bankruptcy and trustees of protected trust deeds.

A Regulatory Impact Assessment has been prepared covering this Order.