



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Interpretation

101 Interpretation of Part 8

(1) In this Part—

[^{F1}“First-tier Tribunal” means the First-tier Tribunal for Scotland,]

“house” means, subject to subsection (2), a building or part of a building occupied or intended to be occupied as a dwelling;

“landlord”, in relation to an occupancy arrangement, means the person who under the arrangement permits another to occupy the building or, as the case may be, the part of the building;

[^{F2}“landlord registration number” has the meaning given by section 84(5A);]

“occupancy arrangement” means any arrangement under which a person having the lawful right to occupy a house permits another, by way of contract or otherwise, to occupy the house or, as the case may be, part of it; but does not include a lease;

“registered”, in relation to a relevant person and a local authority, means entered by virtue of section 84(2)(a) in the register maintained by the authority under section 82(1); and cognate expressions shall be construed accordingly;

[^{F3}“registered letting agent” has the meaning given by section 32(4) of the Housing (Scotland) Act 2014 (asp 14),]

“relevant person” has the meaning given by section 83(8);

“unconnected person” has the meaning given by section 83(8); and

[^{F4}“Upper Tribunal” means the Upper Tribunal for Scotland,]

“use as a dwelling” shall be construed in accordance with section 83(6).

[^{F5}(1A) This subsection applies where—

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 25 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. (See end of Document for details) View outstanding changes

- (a) a person other than the owner of a house is the landlord in relation to a lease or occupancy arrangement by virtue of which another person uses the house as a dwelling; and
- (b) that other person is not a member of the family of the owner or of the person who is the landlord.

(1B) Where subsection (1A) applies, both—

- (a) the person who is the landlord; and
- (b) any other person who acts for that person in relation to the lease or occupancy arrangement,

shall, for the purposes of this Part, be treated as having been appointed by the owner to act for, and as acting for, the owner in relation to a lease or occupancy arrangement by virtue of which a person who is not a member of the family of the owner may use the house as a dwelling.]

- (2) If two or more dwellings within a building share the same toilet, washing or cooking facilities, then those dwellings shall be deemed to be a single house for the purposes of this Part.
- (3) For the purposes of this Part, any reference to a person’s being a member of another’s family shall be construed in accordance with section 108(1) and (2) of the Housing (Scotland) Act 2001 (asp 10).
- (4) For the purposes of this Part, a person engages in antisocial behaviour if the person—
 - (a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance; or
 - (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance,

to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a house; and “antisocial behaviour” shall be construed accordingly.

Textual Amendments

- F1** Words in s. 101(1) inserted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 60\(a\)](#); S.S.I. 2017/330, art. 3, sch.
- F2** Words in s. 101 inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\), ss. 3\(3\), 41\(3\)](#); S.S.I. 2013/82, art. 2(1), sch.
- F3** Words in s. 101 inserted (31.1.2018) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 60\(9\), 104\(3\)](#); S.S.I. 2016/412, art. 2, sch.
- F4** Words in s. 101(1) inserted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 60\(b\)](#); S.S.I. 2017/330, art. 3, sch.
- F5** S. 101(1A)(1B) inserted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\), ss. 176\(11\), 195](#) (with s. 193); S.S.I. 2006/14, art. 2

Changes to legislation:

Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 25 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.

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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\(1\)](#)