



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Failure to comply with notice: sanctions

71 Failure to comply with notice: order as to rental income

- (1) If, on the application of the local authority that served an antisocial behaviour notice on a landlord under section 68(1), the sheriff is satisfied as to the matters mentioned in subsection (2), the sheriff may—
 - (a) make an order that, with effect from the making of the order—
 - (i) no rent be payable by any person who occupies the relevant house; and
 - (ii) no other consideration be payable or exigible for occupation of the relevant house; and
 - (b) make such incidental order as the sheriff considers necessary.
- (2) Those matters are—
 - (a) that the landlord has not taken the action specified in the antisocial behaviour notice within the time so specified; and
 - (b) that, having regard to all the circumstances relating to the relevant house, it would be reasonable for the landlord to take that action.
- (3) Where an order is made under subsection (1), the local authority shall give a copy of the order to the persons mentioned in subsection (4).
- (4) Those persons are—
 - (a) if the local authority is aware of the name and address of a person who by virtue of a tenancy or an occupancy arrangement occupies the house to which the order relates, that person; and

Status: This is the original version (as it was originally enacted).

- (b) 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, that person.
- (5) Except as provided in an order under subsection (1), nothing in this Part affects the validity of any lease or occupancy arrangement by virtue of which a person has the use of a relevant house during the period when the order is in force.