



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Failure to comply with notice: sanctions

74 Failure to comply with notice: management control order

- (1) If, on the application of the local authority that served an antisocial behaviour notice on a landlord under section 68(1) [^{F1}or (1A)], the sheriff is satisfied as to the matters mentioned in subsection (2), the sheriff may make a management control order in respect of the house to which the notice relates.
- (2) Those matters are—
 - (a) that the landlord has not taken the action specified in the antisocial behaviour notice within the time so specified;
 - (b) that, having regard to all the circumstances relating to the relevant house, it would be reasonable for the landlord to take that action; and
 - (c) that, to enable the antisocial behaviour described in the notice to be dealt with, it is necessary to make the order.
- (3) A management control order is an order which—
 - (a) transfers, for such period not exceeding 12 months as may be specified in the order, to the local authority which made the application the rights and obligations of the landlord under the tenancy or occupancy arrangement under which the house is occupied;
 - (b) if during that period a tenancy is granted or an occupancy arrangement made for the occupation of the house, transfers for that period to the local authority the rights and obligations of the landlord under that tenancy or arrangement;
 - (c) makes for that period such incidental provision as the sheriff considers necessary.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 74 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*

- (4) Where the local authority on whose application a management control order is made is satisfied that—
- (a) sums in respect of rent or other consideration for occupation have been paid to the landlord under the tenancy or occupancy arrangement under which the house is occupied; and
 - (b) those sums have been paid in respect of a period during which the order is in force,
- the authority may recover those sums from the landlord.
- (5) Schedule 3 (which makes further provision in relation to management control orders) shall have effect.

Textual Amendments

- F1** Words in s. 74(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, 6

Commencement Information

- II** S. 74 wholly in force at 30.4.2006; s. 74 not in force at Royal Assent see s. 145(2); s. 74 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)

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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\(1\)](#)