



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 8

### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

#### *Registration*

#### **83 Application for registration**

- (1) An application by a relevant person to a local authority for entry in the register maintained by it under section 82(1) shall specify—
  - (a) the name and address of the relevant person;
  - (b) the address of each house (if any) within the area of the authority which the relevant person owns and which is subject to—
    - (i) a lease; or
    - (ii) an occupancy arrangement,  
by virtue of which an unconnected person may use the house as a dwelling;
  - (c) if the relevant person has a person who acts for the person in relation to the lease or occupancy arrangement to which any house specified under paragraph (b) is subject, the name and address of the person; and
  - (d) such other information as the Scottish Ministers may by regulations prescribe.
- (2) Subject to subsection (3), the application shall be accompanied by such fee as the local authority may determine.
- (3) The Scottish Ministers may by regulations prescribe for the purposes of subsection (2)—
  - (a) fees;
  - (b) how fees are to be arrived at;
  - (c) cases in which no fee shall be payable.
- (4) A person who, in an application under this section—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) specifies information which the person knows is false in a material particular;  
or
  - (b) knowingly fails to specify information required by subsection (1),
- shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) For the purposes of subsection (1)(b), the use of a house as a dwelling shall be disregarded if—
- (a) the house is being used for the provision of—
    - (i) a care home service (as defined in subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001 (asp 8));
    - (ii) a school care accommodation service (as defined in subsection (4) of that section);
    - (iii) an independent health care service (as defined in subsection (5) of that section); or
    - (iv) a secure accommodation service (as defined in subsection (9) of that section);
  - (b) the house is being used by a religious order the principal occupation of which is prayer, contemplation, education or the relief of suffering;
  - (c) a control order under section 178 of the Housing (Scotland) Act 1987 (c. 26) is in force in respect of the house; or
  - (d) the house is being used for holiday purposes.
- (7) The Scottish Ministers may by order modify subsection (6).
- (8) In this Part—
- “relevant person” means a person who is not—
    - (a) a local authority;
    - (b) a registered social landlord; or
    - (c) Scottish Homes; and
  - “unconnected person”, in relation to a relevant person, means a person who is not a member of the family of the relevant person.