



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 1

REGISTRATION OF PRIVATE LANDLORDS

8 Disqualification orders for unregistered landlords

After section 93 of the 2004 Act insert—

“93A Disqualification orders etc.

- (1) This section applies where a court convicts a person of an offence under section 93(1) or (2).
- (2) The court may, in addition to imposing a penalty under section 93(7), by order disqualify the convicted person (and, where the person is not an individual, any director, partner or other person concerned in the management of the person) from being registered by any local authority for such period not exceeding 5 years as may be specified in the order.
- (3) A person may appeal against an order under subsection (2) in the same manner as the convicted person may appeal against sentence.
- (4) The court may suspend the effect of an order made under subsection (2) pending such an appeal.
- (5) The court may, on summary application by a person disqualified by an order under subsection (2), revoke the order with effect from such date as the court may specify.
- (6) But no such revocation may be made unless the court is satisfied that there has been a change of circumstances which justifies the revocation of the order.
- (7) No application may be made for the purposes of subsection (5) during the first year of a disqualification.

Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 8. (See end of Document for details)

- (8) The court may order the applicant to pay the whole or part of the expenses arising from an application made for the purposes of subsection (5).
- (9) Within 6 days of the court—
- (a) disqualifying a person under subsection (2); or
 - (b) revoking an order under subsection (5),
- the clerk of court must provide an extract of the disqualification or, as the case may be, the revocation to the local authority for the area in which the house concerned is situated.”.

Commencement Information

II S. 8 in force at 1.4.2013 by S.S.I. 2013/82, art. 2(1), **Sch.** (with art. 3(2)(3))

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