



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 7

### HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

#### *Antisocial behaviour notices*

#### **68 Antisocial behaviour notices**

(1) Where it appears to a local authority that either person mentioned in subsection (2) is engaging in antisocial behaviour at, or in the locality of, a relevant house situated within the authority's area, the authority may serve an antisocial behaviour notice on the landlord of the relevant house.

[<sup>F1</sup>(1A) A local authority may also serve an antisocial behaviour notice on the landlord of a relevant house situated within the authority's area and used for holiday purposes where—

- (a) the house has been used for those purposes on at least two occasions;
- (b) during at least two of those occasions a person mentioned in subsection (2) has engaged in antisocial behaviour at, or in the locality of, that house; and
- (c) the authority anticipates further use for those purposes that will result in antisocial behaviour by such a person.]

(2) Those persons are—

- (a) any person who, by virtue of a tenancy or an occupancy arrangement, occupies the relevant house mentioned in subsection (1) [<sup>F2</sup>or, as the case may be, (1A)]; and
- (b) any visitor for the time being in that house.

(3) An antisocial behaviour notice is a notice—

- [<sup>F3</sup>(za) stating whether it is served under subsection (1) or subsection (1A);]
- (a) [<sup>F4</sup>where the notice is served under subsection (1),] describing the antisocial behaviour that has been engaged in at, or in the locality of, the relevant

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- house to which the notice relates by either of the persons mentioned in subsection (2);
- [<sup>F5</sup>(aa) where the notice is served under subsection (1A), describing the antisocial behaviour that has been engaged in at, or in the locality of, the relevant house to which the notice relates;]
- (b) [<sup>F6</sup>where the notice is served under subsection (1),] requiring the landlord of the relevant house to take, before the expiry of such period as may be specified in the notice, such action for the purpose of dealing with the antisocial behaviour as may be so specified;
- [<sup>F7</sup>(ba) where the notice is served under subsection (1A), requiring the landlord of the relevant house to take, before the expiry of such period as may be specified in the notice, such action for the purpose of dealing with future antisocial behaviour as may be so specified;]
- (c) stating the consequences of failure to take, within that period, the action so specified; and
- (d) informing the landlord of the right to request a review under section 69(1).
- (4) 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, the authority shall, in addition to serving a notice on the landlord under subsection (1), give a copy of the notice to the person.
- (5) If—
- (a) the local authority is unable to identify the landlord, it may serve the notice under subsection (1) [<sup>F8</sup>or (1A)] by publishing it in two or more newspapers (of which one shall, if practicable, be a local newspaper) circulating in the locality of the relevant house;
- (b) the local authority is aware of the landlord’s identity but is unable to ascertain the landlord’s current address, it may serve the notice under that subsection by serving it on the landlord—
- (i) at the relevant house; and
- (ii) if it is aware of a previous address of the landlord, at that address.
- (6) For the purpose of applying this Part in relation to relevant houses which are used for holiday purposes, the Scottish Ministers may by order make such modifications of the Part as they consider necessary or expedient.

#### Textual Amendments

- F1** S. 68(1A) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(a)**
- F2** Words in s. 68(2)(a) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(b)**
- F3** S. 68(3)(za) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(i)**
- F4** Words in s. 68(3)(a) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(ii)**
- F5** S. 68(3)(aa) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(iii)**
- F6** Words in s. 68(3)(b) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(iv)**

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- F7** S. 68(3)(ba) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(c)(v)**
- F8** Words in s. 68(5)(a) inserted (12.3.2011) by [The Antisocial Behaviour Notices \(Houses Used for Holiday Purposes\) \(Scotland\) Order 2011 \(S.S.I. 2011/201\)](#), arts. 1, **3(d)**

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**Commencement Information**

- I1** S. 68 wholly in force at 30.4.2006; s. 68 not in force at Royal Assent see s. 145(2); s. 68 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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