



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Registration

[^{F1}92ZA Duty to note refusals and removals

- (1) Subsection (4) applies where—
- (a) a local authority decides to—
 - (i) refuse to enter a person in its register under section 84(2)(b) or (7); or
 - (ii) remove a person from its register under section 88(8) or 89(1) [^{F2}, (3A)] or (4); and
 - (b) either—
 - (i) the period for making an application to the [^{F3}First-tier Tribunal] in relation to the decision for the purposes of section 92(2) expires without an application being made; or
 - (ii) such application is refused by the [^{F4}First-tier Tribunal] and—
 - (A) the period for appealing against the [^{F5}First-tier Tribunal's] decision expires without an appeal being made; or
 - (B) such an appeal is refused by the [^{F6}Upper Tribunal] .
- (2) Subsection (4) applies where—
- (a) a local authority decides to refuse to enter a person in its register under section 84(8); and
 - (b) either—
 - (i) the period for making an application to the [^{F7}First-tier Tribunal] in relation to the decision for the purposes of section 92(2) expires without an application being made; or
 - (ii) such application is refused by the [^{F8}First-tier Tribunal] and—

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Section 92ZA is up to date with all changes known to be in force on or before 11 June 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

- (A) the period for appealing against the [^{F9}First-tier Tribunal's] decision expires without an appeal being made; or
 (B) such an appeal is refused by the [^{F10}Upper Tribunal] .
- (3) Subsection (4) applies where a local authority removes a person from its register under section 89(5).
- (4) Where this subsection applies, the local authority must note the fact in its register that the person has been refused entry to, or removed from, its register.
- (5) Where a fact is noted by virtue of subsection (1) it must, subject to subsection (6)—
- (a) remain on the register for 12 months from the date on which the local authority is required to note it in its register; and
 - (b) be removed from the register at the end of that period.
- (6) Where a person in respect of whom a local authority notes a fact in its register by virtue of subsection (1) is subsequently entered in the register before the end of the period mentioned in subsection (5)(a), the local authority must remove the fact from the register when the person is so registered.
- (7) Where a fact is noted by virtue of subsection (2) or (3) it must—
- (a) remain on the register for the period of disqualification specified in the order made under section 93A(2); and
 - (b) be removed from the register at the end of that period.]

Textual Amendments

- F1** S. 92ZA inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 5(2)**, 41(3); S.S.I. 2013/82, art. 2(1), sch.
- F2** Word in s. 92ZA(1)(a)(ii) inserted (31.1.2018) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 60(7)**, 104(3); S.S.I. 2016/412, art. 2, sch.
- F3** Words in s. 92ZA(1)(b)(i) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(a)(i)**; S.S.I. 2017/330, art. 3, sch.
- F4** Words in s. 92ZA(1)(b)(ii) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(a)(ii)**; S.S.I. 2017/330, art. 3, sch.
- F5** Words in s. 92ZA(1)(b)(ii)(A) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(a)(iii)**; S.S.I. 2017/330, art. 3, sch.; S.S.I. 2017/330, art. 3, sch.
- F6** Words in s. 92ZA(1)(b)(ii)(B) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(a)(iv)**; S.S.I. 2017/330, art. 3, sch.; S.S.I. 2017/330, art. 3, sch.
- F7** Words in s. 92ZA(2)(b)(i) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(b)(i)**; S.S.I. 2017/330, art. 3, sch.
- F8** Words in s. 92ZA(2)(b)(ii) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(b)(ii)**; S.S.I. 2017/330, art. 3, sch.
- F9** Words in s. 92ZA(2)(b)(ii)(A) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(b)(iii)**; S.S.I. 2017/330, art. 3, sch.; S.S.I. 2017/330, art. 3, sch.
- F10** Words in s. 92ZA(2)(b)(ii)(B) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 58(b)(iv)**; S.S.I. 2017/330, art. 3, sch.; S.S.I. 2017/330, art. 3, sch.

Changes to legislation:

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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\(1\)](#)