



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 8

### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

#### *Registration*

#### **84 Registration**

- (1) This section applies where a relevant person makes an application to a local authority in accordance with section 83.
- (2) Where [<sup>F1</sup>(subject to subsections (7) and (8))], having considered the application—
  - (a) the local authority is satisfied that subsection (3) or (4) applies, the authority shall enter the relevant person in the register maintained by the authority under section 82(1);
  - (b) the authority is not satisfied that either of those subsections applies, the authority shall refuse to enter the relevant person in the register.
- (3) This subsection applies where—
  - (a) under paragraph (b) of section 83(1), the application—
    - (i) does not specify a house; or
    - (ii) specifies a house (or two or more houses);
  - (b) under paragraph (c) of that section, the application does not specify the name and address of a person; and
  - (c) the relevant person is a fit and proper person to act as landlord under—
    - (i) a lease; or
    - (ii) an occupancy arrangement,by virtue of which an unconnected person may use a house as a dwelling.
- (4) This subsection applies where—
  - (a) under paragraph (b) of section 83(1), the application specifies at least one house;

**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 84 is up to date with all changes known to be in force on or before 21 May 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*

- (b) under paragraph (c) of that section, the application specifies the name and address of a person;
- (c) subsection (3)(c) applies; and
- [<sup>F2</sup>(d) either—
  - (i) the person is a registered letting agent, or
  - (ii) in the case of a person who is not a registered letting agent, the person is a fit and proper person to act for the landlord such as is mentioned in subsection (3)(c) in relation to the lease or, as the case may be, arrangement.]
- (5) An entry in a register under subsection (2)(a) shall state, in relation to the relevant person, the information specified by virtue of paragraphs (a) to [<sup>F3</sup>(ca)] of section 83(1) in the application made by the relevant person.
- [<sup>F4</sup>(5A) An entry in a register under subsection (2)(a) shall state, in relation to the relevant person, a registration number (to be known as the “landlord registration number”).]
- (6) Subject to sections 88(8) and 89(1), where a local authority makes an entry in a register under subsection (2)(a), the authority shall remove the entry from the register on the expiry of the period of 3 years beginning with the day on which the entry is made.
- [<sup>F5</sup>(7) The local authority may refuse to enter a person in the register maintained by the authority under section 82(1) if the person fails to comply with the duty, if applicable, imposed by section 92B(3).
- (8) The local authority must refuse to enter a person in the register maintained by the authority under section 82(1) if the person is disqualified by an order made under section 93A(2).]

#### Textual Amendments

- F1** Words in s. 84(2) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), s. 41(3), **sch. para. 2(a)**; S.S.I. 2013/82, art. 2(1), sch.
- F2** S. 84(4)(d) substituted (31.1.2018) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 60(1)**, 104(3); S.S.I. 2016/412, art. 2, sch.
- F3** Words in s. 84(5) substituted (29.1.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 176(4)**, 195 (with s. 193); S.S.I. 2006/14, **art. 2**
- F4** S. 84(5A) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 3(1)**, 41(3); S.S.I. 2013/82, art. 2(1), sch.
- F5** S. 84(7)(8) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), s. 41(3), **sch. para. 2(b)**; S.S.I. 2013/82, art. 2(1), 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\(1\)](#)