



# Antisocial Behaviour etc. (Scotland) Act 2004

## 2004 asp 8

### PART 8

#### HOUSING: REGISTRATION OF CERTAIN LANDLORDS

##### *Registration*

#### **92 Appeal against refusal to register or removal from register**

- (1) Subsection (2) applies where—
  - (a) under section 84(2)(b) [<sup>F1</sup>, (7) or (8)] a local authority refuses to enter a person in the register maintained by it under section 82(1); or
  - (b) under section 88(8) or 89(1) [<sup>F2</sup>, (3A) ] [<sup>F3</sup> or (4)] an authority removes a person from the register.
- (2) The [<sup>F4</sup>First-tier Tribunal] may, on the application of the person, make an order—
  - (a) requiring the authority to enter the person in the register; and
  - (b) specifying whether the entry shall be deemed to be made by virtue of subsection (3) or (4) of section 84.
- (3) Where by virtue of subsection (2) a local authority enters a person in the register maintained by it under section 82(1), the entry shall be deemed to have been made under subsection (2)(a) of section 84 by virtue of the subsection specified in the order.
- <sup>F5</sup>(4) .....
- (5) An appeal against the decision of a [<sup>F6</sup>First-tier Tribunal] granting or refusing an application under subsection (2) <sup>F7</sup>... shall be made within the period of 21 days beginning with the day on which the decision appealed against was made.
- (6) The decision of the [<sup>F8</sup>Upper Tribunal] on an appeal under this section shall be final.

**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 92 is up to date with all changes known to be in force on or before 19 September 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*

### Textual Amendments

- F1** Words in s. 92(1)(a) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), s. 41(3), [sch. para. 7\(a\)](#); S.S.I. 2013/82, art. 2(1), sch.
- F2** Word in s. 92(1)(b) inserted (31.1.2018) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 60\(6\)](#), 104(3); S.S.I. 2016/412, art. 2, sch.
- F3** Words in s. 92(1)(b) inserted (1.4.2013) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), s. 41(3), [sch. para. 7\(b\)](#); S.S.I. 2013/82, art. 2(1), sch.
- F4** Words in s. 92(2) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 19\(2\)](#), 104(3); S.S.I. 2017/330, art. 3, sch.
- F5** S. 92(4) repealed (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 57\(a\)](#); S.S.I. 2017/330, art. 3, sch.
- F6** Words in s. 92(5) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 57\(b\)\(i\)](#); S.S.I. 2017/330, art. 3, sch.
- F7** Words in s. 92(5) repealed (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 57\(b\)\(ii\)](#); S.S.I. 2017/330, art. 3, sch.
- F8** Words in s. 92(6) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 57\(c\)](#); S.S.I. 2017/330, art. 3, sch.

**Changes to legislation:**

Antisocial Behaviour etc. (Scotland) Act 2004, Section 92 is up to date with all changes known to be in force on or before 19 September 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.

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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\(1\)](#)