

**In summary**

- Section 83 4(A) Making a false declaration in and application or failing to declare specified information. (could be failure to declare convictions or other required information)
- Section 87 (2) Failure to notify the LA of a change in Circumstances (could be failure to update contact addresses or notification of a new conviction after the registration is granted)
- Section 93 (1) Unregistered landlords ( letting or leasing a house without being registered or having applied,
- Section 93 (2) Unregistered landlords communicating with a view to leasing/renting (in other words advertising a property for rent or lease whilst unregistered)

<http://www.legislation.gov.uk/asp/2004/8/contents?commentary-c21021401>

*83 Application for registrations*

*This section has no associated Explanatory Notes*

*(1)An application by a relevant person to a local authority for entry in the register maintained by it under section 82(1) shall specify—*

*(a)the name and address of the relevant person;*

*(b)the address of each house (if any) within the area of the authority which the relevant person owns and which is subject to—*

*(i)a lease; or*

*(ii)an occupancy arrangement, by virtue of which an unconnected person may use the house as a dwelling;*

*(c)if the relevant person has a person who acts for the person in relation to the lease or occupancy arrangement to which any house specified under paragraph (b) is subject, the name and address of the person; **F1**. . .*

**[F2***(ca)the address to which correspondence with the relevant person should be directed; and]*

*(d)such other information as the Scottish Ministers may by regulations prescribe.*

*(2)Subject to subsection (3), the application shall be accompanied by such fee as the local authority may determine.*

*(3)The Scottish Ministers may by regulations prescribe for the purposes of subsection (2)—*

*(a)fees;*

*(b)how fees are to be arrived at;*

*(c) cases in which no fee shall be payable.*

*(4) A person who, in an application under this section—*

*(a) specifies information which the person knows is false in a material particular; or*

*(b) knowingly fails to specify information required by subsection (1),*

- *shall be guilty of an offence.*

*(5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.*

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### *87 Duty of registered person to provide information to local authority's*

*This section has no associated Explanatory Notes*

*(1) This section applies where a person is registered by a local authority.*

*(2) If in consequence of a change in circumstances any information provided by the person to the local authority by virtue of section 83(1) or, as the case may be, this subsection, becomes inaccurate, the person shall, as soon as practicable after the inaccuracy arises, give notice in writing to the authority of the change that has occurred.*

*(3) Subject to subsection (4), any notice given under subsection (2) shall be accompanied by such fee as the local authority may determine.*

*(4) The Scottish Ministers may by regulations prescribe for the purposes of subsection (3)—*

*(a) fees;*

*(b) how fees are to be arrived at;*

*(c) cases in which no fee shall be payable.*

*(5) A person who, without reasonable excuse, fails to comply with subsection (2) shall be guilty of an offence.*

*(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.*

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### *93 Offences*

*This section has no associated Explanatory Notes*

*(1) Where—*

*(a) a relevant person owns a house within the area of a local authority which is subject to—*

(i) a lease; or

(ii) an occupancy arrangement,

- by virtue of which an unconnected person may use the house as a dwelling; and

(b) the relevant person is not registered by that authority,

- the relevant person shall be guilty of an offence.

(2) Where—

(a) a relevant person is not registered by a local authority; and

(b) in relation to a house that the relevant person owns in the area of the authority, the relevant person communicates with another person with a view to entering into a lease or an occupancy arrangement such as is mentioned in subsection (1)(a),

- the relevant person shall be guilty of an offence.

(3) Where subsection (5) applies, nothing in subsection (1) makes it an offence for a relevant person to own a house which is subject to a lease or, as the case may be, occupancy arrangement such as is mentioned in subsection (1).

(4) Where subsection (5) applies, nothing in subsection (2) makes it an offence for a relevant person to communicate with another person with a view to entering into a lease or, as the case may be, occupancy arrangement such as is mentioned in subsection (2).

(5) This subsection applies where—

(a) the relevant person has made an application under section 83 to the local authority within whose area the house is situated; **F1**. . .

**F2**(aa) the local authority has not, during the year which immediately preceded the making of the application, refused to enter the relevant person in pursuance of an earlier application under section 83;

**F3**(aaa) the relevant person is not disqualified from being registered by virtue of an order under section 93A(2);]

(ab) the application is accompanied by the fee determined under section 83(2); and]

(b) the application has not been determined under section 84 by the authority.

(6) It shall be a defence for a person charged with an offence under subsection (1) or (2) to show that there was a reasonable excuse for acting in the way charged.

(7) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding **F4**£50,000].

