



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

PART 1

ANTISOCIAL BEHAVIOUR STRATEGIES

- 1 Antisocial behaviour strategies
- 2 Reports and information
- 3 Scottish Ministers' power to apply sections 1 and 2 to registered social landlords

PART 2

ANTISOCIAL BEHAVIOUR ORDERS

Antisocial behaviour orders

- 4 Antisocial behaviour orders
- 5 Antisocial behaviour orders: variation and revocation
- 6 Appeals: effect on competence of application under section 5

Interim antisocial behaviour orders

- 7 Interim antisocial behaviour orders

Notification of orders

- 8 Notification of making etc. of orders and interim orders

Breach of orders

- 9 Breach of orders
- 10 Breach of orders: prohibition on detention of children
- 11 Breach of orders: arrest without warrant

Status: This is the original version (as it was originally enacted).

Orders in respect of children

- 12 Sheriff's power to refer case to children's hearing
- 13 Sheriff's power to make parenting order

Provision of information and records

- 14 Provision of information to local authorities
- 15 Records of orders

Guidance and research

- 16 Guidance in relation to antisocial behaviour orders
- 17 Arrangement of study into operation of Part

Interpretation

- 18 Interpretation of Part 2

PART 3

DISPERSAL OF GROUPS

Authorisations and powers

- 19 Authorisations
- 20 Authorisations: supplementary
- 21 Powers exercisable in pursuance of authorisations
- 22 Powers under section 21: supplementary

Guidance and research

- 23 Guidance in relation to dispersal of groups
- 24 Operation of Part: arrangement of study

Interpretation

- 25 Interpretation of Part 3

PART 4

CLOSURE OF PREMISES

Closure notices

- 26 Authorisation of closure notice
- 27 Service etc.

Closure orders

- 28 Application to sheriff
- 29 Closure orders
- 30 Application: determination
- 31 Enforcement
- 32 Extension
- 33 Revocation
- 34 Access to other premises
- 35 Reimbursement of expenditure
- 36 Appeals

General

- 37 Offences
- 38 Offences under section 37: arrest without warrant
- 39 Guidance in relation to closure of premises

Interpretation

- 40 Interpretation of Part 4

PART 5

NOISE NUISANCE

Summary procedure for dealing with noise from certain places

- 41 Application of noise control provisions to local authority areas
- 42 Revocation or variation of resolution under section 41

Noise control provisions

- 43 Investigation of excessive noise from certain places
- 44 Warning notices
- 45 Offence where noise exceeds permitted level after service of notice
- 46 Fixed penalty notices
- 47 Powers of entry and seizure of equipment used to make noise unlawfully

The permitted level

- 48 Permitted level of noise

Miscellaneous

- 49 Approval of measuring devices
- 50 Power to provide funds to local authorities
- 51 Fixed penalty notices: supplementary
- 52 Guidance in relation to this Part

Interpretation

- 53 Meaning of “relevant place” and “relevant property”
- 54 Interpretation of Part 5

PART 6

THE ENVIRONMENT

Controlled waste and litter

- 55 Contraventions of section 33(1)(a) and (c) of 1990 Act: fixed penalty notices
- 56 Litter: power of constables to issue fixed penalty notices
- 57 Directions in respect of duty under section 89 of 1990 Act

Graffiti

- 58 Power of local authority to serve notice about graffiti
- 59 Power to modify meaning of “relevant surface”

- 60 Graffiti removal notice: content and service
- 61 Non-compliance with graffiti removal notice
- 62 Guidance to local authorities about graffiti removal functions
- 63 Appeal against graffiti removal notice
- 64 Appeal against notice under section 61(4)
- 65 Graffiti removal notice: exemptions from liability

Penalties for environmental offences

- 66 Increase in penalties for certain environmental offences

Interpretation

- 67 Interpretation of Part 6

PART 7

HOUSING: ANTISOCIAL BEHAVIOUR NOTICES

Antisocial behaviour notices

- 68 Antisocial behaviour notices
- 69 Review of antisocial behaviour notices
- 70 Internal procedure on review

Failure to comply with notice: sanctions

- 71 Failure to comply with notice: order as to rental income
- 72 Appeals against orders under section 71
- 73 Orders under section 71: revocation and suspension
- 74 Failure to comply with notice: management control order
- 75 Management control order: notification
- 76 Management control order: revocation
- 77 Management control order: notification of revocation
- 78 Failure to comply with notice: action by authority at landlord's expense
- 79 Failure to comply with notice: offence

Regulations

- 80 Regulations about advice and assistance: Part 7

Interpretation

- 81 Interpretation of Part 7

PART 8

HOUSING: REGISTRATION OF CERTAIN LANDLORDS

Registration

- 82 Registers
- 83 Application for registration
- 84 Registration
- 85 Section 84: considerations
- 86 Notification of registration or refusal to register
- 87 Duty of registered person to provide information to local authority
- 88 Registered person: appointment of agent

- 89 Removal from register
- 90 Notification of removal from register: registered person
- 91 Notification of removal from register: other persons
- 92 Appeal against refusal to register or removal from register

Enforcement

- 93 Offences
- 94 Circumstances in which no rent to be payable
- 95 Notices under section 94: revocation
- 96 Notification of revocation of notice
- 97 Appeals

Grants

- 98 Grants to local authorities

Regulations

- 99 Regulations about advice and assistance: Part 8

Amendment of Housing (Scotland) Act 1988

- 100 Amendment of Housing (Scotland) Act 1988

Interpretation

- 101 Interpretation of Part 8

PART 9

PARENTING ORDERS

Applications

- 102 Applications

Parenting orders

- 103 Parenting orders

Matters following making of order

- 104 Notification of making of order
- 105 Review of order
- 106 Appeals
- 107 Failure to comply with order

General requirements

- 108 Procedural requirements
- 109 General considerations relating to making, varying and revoking order
- 110 Account to be taken of religion, work and education

Miscellaneous

- 111 Restriction on reporting proceedings relating to parenting orders
- 112 Conduct of proceedings by reporters
- 113 Initial investigations by Principal Reporter

- 114 Power of court to direct Principal Reporter to consider application for parenting order
- 115 Guidance about parenting orders
- 116 Power of hearing to direct Principal Reporter to consider application for parenting order

Interpretation

- 117 Interpretation of Part 9

PART 10

FURTHER CRIMINAL MEASURES

Antisocial behaviour orders

- 118 Antisocial behaviour orders
- 119 Records of antisocial behaviour orders made in criminal courts

Community reparation orders

- 120 Community reparation orders

Restriction of liberty orders

- 121 Restriction of liberty orders

Sale of spray paint to children

- 122 Offence of selling spray paint to child
- 123 Requirement to display warning statement
- 124 Offences under sections 122 and 123: enforcement
- 125 Offences under sections 122 and 123: powers of entry, inspection and seizure

Seizure of vehicles

- 126 Vehicles used in manner causing alarm, distress or annoyance
- 127 Retention etc. of vehicles seized under section 126

PART 11

FIXED PENALTIES

Offences to which this Part applies

- 128 Fixed penalty offences

Fixed penalty notices and penalties

- 129 Fixed penalty notices
- 130 Amount of fixed penalty and form of fixed penalty notice
- 131 Effect of fixed penalty notice
- 132 Payment of fixed penalty

Revocation of fixed penalty notices

- 133 Revocation of fixed penalty notices

Interpretation

134 Interpretation of Part 11

PART 12

CHILDREN'S HEARINGS

Supervision requirements

135 Supervision requirements: conditions restricting movement

136 Supervision requirements: duties of local authorities

Failure to provide education for excluded pupils

137 Failure to provide education for excluded pupils: reference

PART 13

MISCELLANEOUS AND GENERAL

Miscellaneous

138 Privacy of certain proceedings

139 Disclosure and sharing of information

140 Equal opportunities

General

141 Orders and regulations

142 Directions

143 Interpretation: "antisocial behaviour" and other expressions

144 Minor and consequential amendments and repeals

145 Short title and commencement

SCHEDULE 1 — Powers in relation to equipment seized under section 47

1 Interpretation

2 Retention

3 Forfeiture

4 Consequences of forfeiture

5 Return etc. of seized equipment

6 (1) Where in the case of any seized equipment no...

SCHEDULE 2 — Penalties for certain environmental offences

Part 1 — ACTS

1 The Sewerage (Scotland) Act 1968 (c. 47)

2 The Control of Pollution Act 1974 (c. 40)

3 The Water (Scotland) Act 1980 (c. 45)

4 The Environmental Protection Act 1990 (c. 43)

5 The Pollution Prevention and Control Act 1999 (c. 24)

6 The Water Environment and Water Services (Scotland) Act 2003 (asp 3)

Part 2 — SUBORDINATE LEGISLATION

7 The Pollution Prevention and Control (Scotland) Regulations 2000
(S.S.I. 2000/323)

8 The Landfill (Scotland) Regulations 2003 (S.S.I. 2003/235)

SCHEDULE 3 — Management control orders

- 1 Application and interpretation
- 2 Effect of order
- 3 Accounts
- 4 Recovery of rent arrears etc.
- 5 Delegation of management functions
- 6 New tenancies and occupancy arrangements

SCHEDULE 4 — Minor and consequential amendments

- 1 The Social Work (Scotland) Act 1968 (c. 49)
- 2 The Housing (Scotland) Act 1987 (c. 26)
- 3 The Environmental Protection Act 1990 (c. 43)
- 4 The Children (Scotland) Act 1995 (c. 36)
- 5 The Criminal Procedure (Scotland) Act 1995 (c. 46)
- 6 The Housing (Scotland) Act 2001 (asp 10)

SCHEDULE 5 — Repeals