

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 – Miscellaneous and General

Section 138 – Privacy of certain proceedings

306. **Section 138(1)** provides that certain court proceedings in terms of various provisions of the Act shall be held in private and that no persons other than those necessary for the proper consideration of those proceedings shall be present during them. Those proceedings are:
- applications for an antisocial behaviour order in respect of someone under 16 in terms of section 4(1);
 - for variation or revocation of such orders under section 5(1);
 - for a parenting order under section 102(1); and, for variation or revocation of a parenting order under section 105(1);
 - to determine whether to make an interim antisocial behaviour order under section 7(2) in respect of someone under 16; or to recall such an interim antisocial behaviour order;
 - to require the Principal Reporter to refer a child's case to a children's hearing under section 12(1) where he or she has made an antisocial behaviour order or interim antisocial behaviour order in respect of that child;
 - to make a parenting order under section 13(1) where he or she has made an antisocial behaviour or interim antisocial behaviour order in respect of a child; and
 - to make an order under section 105(5) to specifying the sheriff of another sheriffdom as the court that may entertain application for review of a parenting order under section 105(1).
307. An appeal arising from any of these proceedings is subject to the same privacy restriction.