



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 13

MISCELLANEOUS AND GENERAL

General

141 Orders and regulations

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations shall be exercisable by statutory instrument.
- (2) Any power conferred by this Act on the Scottish Ministers to make orders or regulations—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
 - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Scottish Ministers consider appropriate.
- (3) A statutory instrument containing an order or regulations made under this Act (other than an order under section 145(2)) shall, subject to subsection (4), be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing—
 - (a) an order under section 53(1), 59(1), 68(6), 83(7), 103(3), 128(2) or 139(7); or
 - (b) regulations under section 26(2),shall not be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.

142 Directions

- (1) Any power conferred by virtue of this Act on the Scottish Ministers to give a direction shall include power to vary or revoke the direction.

Status: Point in time view as at 28/10/2004.

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: General is up to date with all changes known to be in force on or before 25 August 2023. 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)

(2) Any direction given by virtue of this Act by the Scottish Ministers shall be in writing.

143 Interpretation: “antisocial behaviour” and other expressions

(1) For the purposes of this Act (other than Parts 7 and 8), a person (“A”) engages in antisocial behaviour if A—

- (a) acts in a manner that causes or is likely to cause alarm or distress; or
- (b) pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household as A; and “antisocial behaviour” shall be construed accordingly.

(2) In this Act, unless the context otherwise requires—

“conduct” includes speech; and a course of conduct must involve conduct on at least two occasions;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and “area”, in relation to a local authority, means the local government area (within the meaning of that Act) for which the council is constituted;

“registered social landlord” means a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001 (asp 10); and

“senior police officer” has the meaning given by section 19(1).

144 Minor and consequential amendments and repeals

(1) Schedule 4 (which contains minor amendments and amendments consequential on the provisions of this Act) shall have effect.

(2) The enactments mentioned in the first column in schedule 5 (which include enactments that are spent) are repealed to the extent set out in the second column.

Commencement Information

- II** [S. 144](#) wholly in force at 4.4.2005; [s. 144](#) not in force at Royal Assent see [s. 145\(2\)](#); [s. 144](#) in force for specified purposes at 28.10.2004, 1.12.2004 and 31.1.2005 and for all other purposes at 4.4.2005 by [S.S.I. 2004/420](#), [art. 3](#), [Schs. 1, 3, 4, 5](#)

145 Short title and commencement

(1) This Act may be cited as the Antisocial Behaviour etc. (Scotland) Act 2004.

(2) This Act (other than this section and section 141) shall come into force on such day as the Scottish Ministers may by order appoint.

Subordinate Legislation Made

- P1** [S. 145\(2\)](#) power fully exercised: different dates appointed for specified provisions by [S.S.I. 2004/420](#), [arts. 2, 3](#), [Schs. 1-6](#) (with [art. 4](#)) (as amended by [S.S.I. 2005/553](#) and [S.S.I. 2006/104](#))

Status:

Point in time view as at 28/10/2004.

Changes to legislation:

Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: General is up to date with all changes known to be in force on or before 25 August 2023. 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.