



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 13

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **138 Privacy of certain proceedings**

- (1) Subject to subsection (2)—
- (a) proceedings mentioned in subsection (4) shall be conducted and determined in private; and
  - (b) no person other than a person whose presence is necessary for their proper consideration shall be present.
- (2) The court before which particular proceedings are taking place may direct that the proceedings—
- (a) shall take place in public; or
  - (b) shall take place in the presence of such additional persons as the court may direct.
- (3) A direction under subsection (2) may be given in respect of the whole, or any part, of proceedings.
- (4) The proceedings referred to in subsection (1) are—
- (a) proceedings before a sheriff on an application for—
    - (i) an order under section 4(1) in respect of a child;
    - (ii) the variation, or revocation, under section 5(1) of such an order;
    - (iii) an order under section 102(1); or
    - (iv) the variation, or revocation, under section 105(1) of an order made under section 13(1) or 102(1);
  - (b) proceedings before a sheriff for the purpose of considering whether—
    - (i) to make an order under section 7(2) in respect of a child;

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 138 is up to date with all changes known to be in force on or before 17 April 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*

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- (ii) to recall such an order;
  - (iii) to make a requirement under section 12(1);
  - (iv) to make an order under section 13(1); or
  - (v) to make an order under section 105(5); and
- (c) an appeal arising from proceedings mentioned in paragraph (a) or (b).

**Changes to legislation:**

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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\(1\)](#)