



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), [^{F1}85(9),] 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.

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 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

Textual Amendments

- F1** Word in s. 141(4)(a) inserted (1.7.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 1(2)**, 41(3); S.S.I. 2012/150, art. 2(1)

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.
- (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 [F2section 20(1) of the Housing (Scotland) Act 2010 (asp 17)] ; and

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

Textual Amendments

- F2** Words in s. 143(2) substituted (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), s. 166(2), **sch. 2 para. 11**; S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)

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.

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 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*

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](#))

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\(1\)](#)