



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 6

NON-CUSTODIAL PUNISHMENTS

45 Application by registered social landlord for anti-social behaviour order

- (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- (2) In section 19 (anti-social behaviour orders)—
 - (a) in subsection (1)—
 - (i) for the word “local” there is substituted “relevant”;
 - (ii) in paragraph (a), the words “in the authority’s area” are repealed; and
 - (iii) in paragraph (b), for the words “persons in the authority’s area” there is substituted “relevant persons”;
 - (b) in subsection (3), for the words “persons in the area of the local authority” there is substituted “relevant persons”;
 - (c) in subsection (6), for the word “local” there is substituted “relevant”; and
 - (d) for subsection (8) there is substituted—
 - “(8) In this section and section 21 below—
“relevant authority” means—
 - (a) a local authority (that is to say, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39)); or
 - (b) a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001 (asp 10) (the register of social landlords);“relevant person” means, in relation to an application by—
 - (a) a local authority, a person in the area of that authority;
 - (b) a registered social landlord—
 - (i) a person residing in, or otherwise on or likely to be on, premises provided or managed by that landlord; or

Status: This is the original version (as it was originally enacted).

(ii) a person in, or likely to be in, the vicinity of such premises;

and any reference to the area of a local authority is a reference to the local government area (within the meaning of the said Act of 1994) for which that authority is constituted.”.

(3) In section 21 (procedural provisions with respect to orders)—

- (a) in subsection (1), for the words “ the local” there is substituted “a relevant”;
- (b) in subsection (2)—
 - (i) for the word “the” where it first occurs there is substituted “a”; and
 - (ii) for the words “the order is sought is for the time being” there is substituted “the application is to be made resides or appears to reside”;
- (c) after subsection (2) there is inserted—

“(2A) Before making an application under section 19(1) above or subsection (7)(b)(i) below, a registered social landlord shall provide notification of its intention to do so to the local authority within whose area the person in respect of whom the application is to be made resides or appears to reside.”;
- (d) in subsection (3)—
 - (i) the existing words from “the area of which” to the end become paragraph (a); and
 - (ii) after that paragraph there is added the word “or” and the following paragraph—
 - “(b) as the case may be, the place where the person in relation to whom the application is to be made by the registered social landlord resides or appears to reside”; and
- (e) in subsection (7)(b)(i), after the word “constable” there is inserted “or registered social landlord”.