



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Antisocial Behaviour etc. (Scotland) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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144 Minor and consequential amendments and repeals

145 Short title and commencement

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#### SCHEDULE 1 — Powers in relation to equipment seized under section 47

1 In this schedule— (a) "noise offence" means, in relation to...

2 (1) Any seized equipment may be retained—

3 (1) Where a person is convicted of a noise offence...

4 (1) Where any equipment has been forfeited under paragraph 3,...

5 Return etc. of seized equipment

6 (1) Where in the case of any seized equipment no...

#### SCHEDULE 2 — Penalties for certain environmental offences

##### Part 1 — ACTS

1 (1) The Sewerage (Scotland) Act 1968 shall be amended as...

2 (1) The Control of Pollution Act 1974 shall be amended...

3 Section 75 of the Water (Scotland) Act 1980 (penalty for...

4 (1) The 1990 Act shall be amended as follows.

5 In paragraph 25(2)(a)(ii) of Schedule 1 to the Pollution Prevention...

6 In paragraph 20(2)(a)(ii) of schedule 2 to the Water Environment...

##### Part 2 — SUBORDINATE LEGISLATION

7 In paragraph (2)(a) of regulation 30 of the Pollution Prevention...

8 In paragraph (2)(a) of regulation 19 of the Landfill (Scotland)...

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### SCHEDULE 3 — Management control orders

- 1 (1) Paragraphs 2 to 6 apply while an order is...
- 2 The order shall not affect the rights or liabilities of...
- 3 (1) The local authority shall pay to such relevant person...
- 4 If during the management period— (a) rent payable; or
- 5 The local authority may authorise any person to do in...
- 6 (1) Where— (a) the house to which an order relates...

### SCHEDULE 4 — Minor and consequential amendments

- 1 In section 27 of the Social Work (Scotland) Act 1968...
- 2 In subsection (2C)(c) of section 31 of the Housing (Scotland)...
- 3 After section 81(3) of the Environmental Protection Act 1990 (power...
- 4 (1) The Children (Scotland) Act 1995 shall be amended as...
- 5 (1) The Criminal Procedure (Scotland) Act 1995 shall be amended...
- 6 (1) The Housing (Scotland) Act 2001 shall be amended as...

### SCHEDULE 5 — Repeals

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Antisocial Behaviour etc. (Scotland) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

#### Changes and effects yet to be applied to :

- s. 8(8) words substituted by S.I. 2011/2085 Sch. 1 para. 59
- s. 9 applied by 1995 c. 46 s. 234(11) (as inserted) by 2004 asp 8 s. 118
- s. 11 applied by 1995 c. 46 s. 234(11) (as inserted) by 2004 asp 8 s. 118
- s. 12(1)-(1D) substituted for s. 12(1) by 2011 asp 1 Sch. 5 para. 3
- s. 26(1) text amended by 2010 asp 13 s. 99(1)(a)
- s. 26(3) text amended by 2010 asp 13 s. 99(1)(b)
- s. 26(3A)(3B) inserted by 2010 asp 13 s. 99(1)(c)
- s. 27(2)(b)(i) text amended by 2010 asp 13 s. 99(2)(a)
- s. 27(2)(b)(ii) text amended by 2010 asp 13 s. 99(2)(b)
- s. 30(1) text amended by 2010 asp 13 s. 99(3)(a)
- s. 30(2) text amended by 2010 asp 13 s. 99(3)(b)
- s. 30(2A) inserted by 2010 asp 13 s. 99(3)(c)
- s. 30(3)(b) text amended by 2010 asp 13 s. 99(3)(d)
- s. 30(3A) inserted by 2010 asp 13 s. 99(3)(e)
- s. 32(1A) inserted by 2010 asp 13 s. 99(4)(a)
- s. 32(2) text amended by 2010 asp 13 s. 99(4)(b)
- s. 32(3) text amended by 2010 asp 13 s. 99(4)(c)
- s. 32(3A) inserted by 2010 asp 13 s. 99(4)(d)
- s. 33(1) text amended by 2010 asp 13 s. 99(5)
- s. 36(5) text amended by 2010 asp 13 s. 99(6)
- s. 37(4) text amended by 2007 asp 6 s. 44(3)(a)
- s. 37(5) repealed by 2007 asp 6 s. 44(3)(b)
- s. 51(6) text amended by 2007 asp 6 Sch. para. 32(a)
- s. 68(1A) inserted by S.S.I. 2011/201 art. 3(a)
- s. 68(2)(a) text amended by S.S.I. 2011/201 art. 3(b)
- s. 68(3)(a) text amended by S.S.I. 2011/201 art. 3(c)(ii)
- s. 68(3)(b) text amended by S.S.I. 2011/201 art. 3(c)(iv)
- s. 68(3)(aa) inserted by S.S.I. 2011/201 art. 3(c)(iii)
- s. 68(3)(ba) inserted by S.S.I. 2011/201 art. 3(c)(v)
- s. 68(3)(za) inserted by S.S.I. 2011/201 art. 3(c)(i)
- s. 68(5)(a) text amended by S.S.I. 2011/201 art. 3(d)
- s. 69(1) text amended by S.S.I. 2011/201 art. 4
- s. 71(1) text amended by S.S.I. 2011/201 art. 5
- s. 74(1) text amended by S.S.I. 2011/201 art. 6
- s. 78(1)(a) text amended by S.S.I. 2011/201 art. 7(a)
- s. 78(1)(c) text amended by S.S.I. 2011/201 art. 7(b)
- s. 78(2) text amended by S.S.I. 2011/201 art. 7(c)
- s. 79(1) text amended by S.S.I. 2011/201 art. 8
- s. 81(3)(b) text amended by S.S.I. 2011/211 Sch. 2 para. 9(a)(ii)
- s. 81(3)(b)(i) text amended by S.S.I. 2011/211 Sch. 1 para. 14(2)(a)
- s. 81(3)(b)(ii) text amended by S.S.I. 2011/211 Sch. 1 para. 14(2)(b)
- s. 81(3)(b)(iii) repealed by S.S.I. 2011/211 Sch. 2 para. 9(a)(i)
- s. 81(3)(b)(iv) text amended by S.S.I. 2011/211 Sch. 1 para. 14(2)(c)
- s. 81(3)(b)(v)-(viii) inserted by S.S.I. 2011/211 Sch. 2 para. 9(a)(iii)
- s. 81(3)(d) repealed by 2006 asp 1 Sch. 7
- s. 82(2) repealed by 2006 asp 1 s. 176(2)
- s. 83 text amended by S.S.I. 2009/33 art. 2(a)
- s. 83(1) text amended by 2006 asp 1 s. 176(3)(a)
- s. 83(1)(ca) inserted by 2006 asp 1 s. 176(3)(b)
- s. 83(6) text amended by S.S.I. 2005/650 art. 2(a)
- s. 83(6)(a) text amended by S.S.I. 2011/211 Sch. 2 para. 9(b)(ii)

- s. 83(6)(a)(i) text amended by S.S.I. 2011/211 Sch. 1 para. 14(3)(a)
- s. 83(6)(a)(ii) text amended by S.S.I. 2011/211 Sch. 1 para. 14(3)(b)
- s. 83(6)(a)(iii) repealed by S.S.I. 2011/211 Sch. 2 para. 9(b)(i)
- s. 83(6)(a)(iv) text amended by S.S.I. 2011/211 Sch. 1 para. 14(3)(c)
- s. 83(6)(a)(v)-(viii) inserted by S.S.I. 2011/211 Sch. 2 para. 9(b)(iii)
- s. 83(6)(c) repealed by 2006 asp 1 Sch. 7
- s. 83(6)(e)-(l) inserted by S.S.I. 2005/650 art. 2(b)
- s. 83(6)(m) and word inserted by S.S.I. 2009/33 art. 2(b)
- s. 84(2) text amended by 2011 asp 14 Sch. para. 2(a)
- s. 84(5) text amended by 2006 asp 1 s. 176(4)
- s. 84(5A) inserted by 2011 asp 14 s. 3(1)
- s. 84(7)(8) inserted by 2011 asp 14 Sch. para. 2(b)
- s. 85 applied by 2006 asp 1 s. 130(3)
- s. 85(2)(b) text amended by 2006 asp 1 s. 176(5)
- s. 85(2)(c)(zi) inserted by 2006 asp 1 s. 175(2)(a)
- s. 85(2)(aa) inserted by 2011 asp 14 s. 1(1)(a)(ii)
- s. 85(2)(ia) inserted by 2011 asp 14 s. 1(1)(a)(i)
- s. 85(3A) inserted by 2006 asp 1 s. 175(2)(b)
- s. 85(4A) inserted by 2006 asp 1 s. 175(2)(c)
- s. 85(6)-(9) inserted by 2011 asp 14 s. 1(1)(b)
- s. 86(1)(b) text amended by 2011 asp 14 Sch. para. 3(a)
- s. 86(1A) inserted by 2011 asp 14 s. 3(2)
- s. 86(2) text amended by 2011 asp 14 Sch. para. 3(b)
- s. 88(2A)-(2C) inserted by 2011 asp 14 s. 4(a)
- s. 88(9)(10) inserted by 2011 asp 14 s. 4(b)
- s. 89(4)(5) inserted by 2011 asp 14 Sch. para. 4
- s. 90(1) text amended by 2011 asp 14 Sch. para. 5
- s. 91(1) text amended by 2011 asp 14 Sch. para. 6
- s. 92(1)(a) text amended by 2011 asp 14 Sch. para. 7(a)
- s. 92(1)(b) text amended by 2011 asp 14 Sch. para. 7(b)
- s. 93(5) text amended by 2006 asp 1 s. 176(8)(a)
- s. 93(5)(aaa) inserted by 2011 asp 14 Sch. para. 8
- s. 93(5)(aa)(ab) inserted by 2006 asp 1 s. 176(8)(b)
- s. 93(7) text amended by 2011 asp 14 s. 7
- s. 97(6) text amended by 2006 asp 1 s. 176(9)
- s. 97(7) text amended by 2006 asp 1 s. 176(10)
- s. 101 text amended by 2011 asp 14 s. 3(3)
- s. 101(1A)(1B) inserted by 2006 asp 1 s. 176(11)
- s. 120 repealed by 2010 asp 13 Sch. 2 para. 50(a)
- s. 128 Table Pt. 1 text amended by S.S.I. 2009/248 Sch. 1 para. 10
- s. 128 Table Pt. 1 words inserted by 2012 asp 1 s. 3
- s. 130(3)(d) text amended by 2007 asp 6 Sch. para. 32(b)
- s. 131(5)(6) text amended by 2007 asp 6 Sch. para. 32(b)
- s. 132(1) text amended by 2007 asp 6 Sch. para. 32(b)
- s. 132(6) repealed by 2007 asp 6 Sch. para. 32(c)
- s. 141(4)(a) text amended by 2011 asp 14 s. 1(2)
- s. 143(2) words substituted by 2010 asp 17 Sch. 2 para. 11
- Sch. 1 applied (with modifications) by 1990 c. 43 s. 81(3C) (as inserted) by 2004 asp 8 Sch. 4 para. 3
- Sch. 4 para. 5(3) repealed by 2010 asp 13 Sch. 2 para. 50(b)
- Sch. 4 para. 5(5) repealed by 2010 asp 13 Sch. 2 para. 50(b)
- Sch. 4 para. 5(6) repealed by 2010 asp 13 Sch. 2 para. 50(b)
- Sch. 4 para. 5(11) repealed by 2010 asp 13 Sch. 2 para. 50(b)

**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. 40A inserted by 2010 asp 13 s. 99(7)
- s. 85A inserted by 2011 asp 14 s. 2
- s. 87A inserted by 2006 asp 1 s. 176(6)
- s. 88A inserted by 2006 asp 1 s. 176(7)
- s. 88A(1)(a)(i) text amended by 2011 asp 14 s. 5(1)(b)
- s. 88A(1)(a)(zi) inserted by 2011 asp 14 s. 5(1)(a)
- s. 88A(1)(b) text amended by 2011 asp 14 s. 5(1)(c)
- s. 92A inserted by 2006 asp 1 s. 175(3)
- s. 92B inserted by 2011 asp 14 s. 6
- s. 92ZA inserted by 2011 asp 14 s. 5(2)
- s. 93A inserted by 2011 asp 14 s. 8
- s. 97A 97B inserted by 2011 asp 14 s. 9
- s. 99A inserted by 2011 asp 14 s. 10

**Commencement Orders yet to be applied to the Antisocial Behaviour etc. (Scotland) Act 2004:**

**Commencement Orders bringing provisions within this Act into force:**

- S.S.I. 2004/420 art. 2 3 commences (2004 asp 8)
- S.S.I. 2006/104 art. 2 amendment to earlier commencing SSI 2004/420 art. 2

**Commencement Orders bringing legislation that affects this Act into force:**

- S.S.I. 2005/553 art. 2 amendment to earlier commencing SSI 2004/420
- S.S.I. 2006/14 art. 2 commences (2006 asp 1)
- S.S.I. 2006/104 art. 2 amendment to earlier commencing SSI 2004/420 art. 2
- S.S.I. 2006/395 art. 2 commences (2006 asp 1)
- S.S.I. 2007/479 art. 3 commences (2007 asp 6)
- S.S.I. 2007/527 art. 2 amendment to earlier commencing SSI 2007/479
- S.S.I. 2008/42 art. . 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/192 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/329 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/362 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2009/116 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2009/238 art. 1 revocation of earlier commencing SSI 2009/116
- S.S.I. 2009/432 art. 3 Sch. 1 2 commences (2007 asp 6)
- S.S.I. 2010/159 art. 3 commences (2006 asp 1)
- S.S.I. 2010/413 art. 2 Sch. commences (2010 asp 13)
- S.S.I. 2011/270 art. 1 2 commences (2011 asp 14)