



# 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.

- (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.

**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.