



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 4

### CLOSURE OF PREMISES

#### *General*

#### 37 Offences

- (1) If without reasonable excuse a person remains on or enters premises—
  - (a) in contravention of a closure notice; or
  - (b) in respect of which a closure order has effect,the person shall be guilty of an offence.
- (2) If a person obstructs an authorised person acting in pursuance of section 31(1) the person shall be guilty of an offence.
- (3) In subsection (2), “authorised person” has the meaning given by section 31(4).
- (4) A person guilty of an offence under subsection (1) or (2) [<sup>F1</sup>shall be liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 (c. 46) or to both.]
- (5) <sup>F2</sup>.....

#### Annotations:

#### Amendments (Textual)

- F1** Words in s. 37(4) substituted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 44(3)(a)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (with arts. 4-14) (as amended by S.S.I. 2007/527, **art. 2**)
- F2** S. 37(5) repealed (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), **ss. 44(3)(b)**, 84; S.S.I. 2007/479, **art. 3(1)**, Sch. (with arts. 4-14) (as amended by S.S.I. 2007/527, **art. 2**)

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**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 17 December 2018. 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)*

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**F3 38 Offences under section 37: arrest without warrant**

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**Annotations:**

**Amendments (Textual)**

- F3** S. 38 repealed (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 18(c)**; S.S.I. 2017/345, art. 3, sch.

**39 Guidance in relation to closure of premises**

A person (other than a court) shall, in discharging functions by virtue of this Part, have regard to any guidance given by the Scottish Ministers about—

- (a) the discharge of those functions; or
- (b) matters arising in connection with the discharge of those functions.

**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 17 December 2018. 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.

**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\(1\)](#)