



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 6

### THE ENVIRONMENT

#### *Controlled waste and litter*

#### **57 Directions in respect of duty under section 89 of 1990 Act**

- (1) Sections 89, 91 and 92 of the 1990 Act shall be amended as follows.
- (2) In section 89 (duties to keep land etc. free of litter), after subsection (6) there shall be inserted—
- “(6A) The Scottish Ministers may give to any person subject to a duty imposed by subsection (1) or (2) above such directions as they consider necessary or expedient for securing compliance by such person with such duty.
- (6B) A person to whom a direction is given under subsection (6A) shall comply with the direction.
- (6C) A direction under subsection (6A) may—
- (a) be given generally or to a specific person;
  - (b) make different provision for different persons and different cases or circumstances;
  - (c) include provision specifying, in relation to any factor by reference to which a person’s discharging of any such duty can be measured, standards to be met by the person.
- (6D) The Scottish Ministers shall—
- (a) cause—
    - (i) any direction under subsection (6A) above; and
    - (ii) any variation or revocation of such a direction,to be published; and

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 57 is up to date with all changes known to be in force on or before 24 January 2019. 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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- (b) cause copies of each such direction, variation or revocation to be made available to the public.”.
- (3) In section 91 (litter abatement orders: applications by aggrieved persons), in subsection (11)—
- (a) after “A”, where it first occurs, there shall be inserted—
    - “(a) direction under section 89(6A); or”;
  - (b) the words “code of practice under section 89(7)” shall become paragraph (b); and
  - (c) after “a”, where it secondly occurs, there shall be inserted “ direction or ”.
- (4) In section 92 (litter abatement notices: litter authorities), in subsection (8)—
- (a) after “A”, where it first occurs, there shall be inserted—
    - “(a) direction under section 89(6A); or”;
  - (b) the words “code of practice under section 89(7)” shall become paragraph (b); and
  - (c) after “a”, where it secondly occurs, there shall be inserted “ direction or ”.

**Changes to legislation:**

Antisocial Behaviour etc. (Scotland) Act 2004, Section 57 is up to date with all changes known to be in force on or before 24 January 2019. 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\(1\)](#)