



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 2

ANTISOCIAL BEHAVIOUR ORDERS

Interim antisocial behaviour orders

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- (1) Subsection (2) applies where—
 - (a) an application is made under section 4; and
 - (b) the application has been intimated to the specified person.
- (2) If the sheriff is satisfied—
 - (a) that the condition mentioned in paragraph (a) of section 4(2) is met;
 - (b) that *prima facie* the condition mentioned in paragraph (b) of that section is met; and
 - (c) that the making of an interim antisocial behaviour order (an “interim order”) is necessary for the purpose mentioned in paragraph (c) of that section,the sheriff may make an interim order.
- (3) Where the specified person is a child, the sheriff shall, in determining whether to make an interim order, have regard to any views expressed by the Principal Reporter.
- (4) An interim order is an order which prohibits, pending the determination of the application, the specified person from doing anything described in the order.
- (5) Sections 4(6) and (7) shall apply to an interim order as they apply to an antisocial behaviour order.
- (6) Before making an interim order, the sheriff shall, where the specified person is present in court, explain in ordinary language—
 - (a) the effect of the order and the prohibitions proposed to be included in it;
 - (b) the consequences of failing to comply with the order;

Status: This is the original version (as it was originally enacted).

- (c) the power the sheriff has to recall the order; and
 - (d) the entitlement of the specified person to appeal against the making of the order.
- (7) Failure to comply with subsection (6) shall not affect the validity of the order.
- (8) An interlocutor granting or refusing an interim order is an appealable interlocutor.