

SCHEDULE
(introduced by section 12)
MINOR AND CONSEQUENTIAL MODIFICATIONS

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

- 1 The 2004 Act is amended as follows.
- 2 In section 84 (registration)—
 - (a) in subsection (2), after “Where” insert “(subject to subsections (7) and (8))”,
 - (b) after subsection (6) add—
 - “(7) The local authority may refuse to enter a person in the register maintained by the authority under section 82(1) if the person fails to comply with the duty, if applicable, imposed by section 92B(3).
 - (8) The local authority must refuse to enter a person in the register maintained by the authority under section 82(1) if the person is disqualified by an order made under section 93A(2).”.
- 3 In section 86 (notification of registration or refusal to register)—
 - (a) in subsection (1)(b), after “section” insert “or subsection (7) or (8) of section 84”,
 - (b) in subsection (2), after “84(2)(b),” insert “(7) or (8),”.
- 4 In section 89 (removal from register), after subsection (3) add—
 - “(4) Where a registered person, without reasonable excuse, fails to comply with the duty imposed by section 92B(1) the authority may remove the person from the register.
 - (5) Where—
 - (a) a person is registered by a local authority; and
 - (b) the person is disqualified from being registered by virtue of an order under section 93A(2),the authority shall remove the person from its register.”.
- 5 In section 90(1) (notification of removal from register: registered person), after “89(1)” insert “, (4) or (5)”.
- 6 In section 91(1) (notification of removal from register: other persons), after “89(1)” insert “, (4) or (5)”.
- 7 In section 92(1) (appeal against refusal to register or removal from register)—
 - (a) in paragraph (a), after “84(2)(b)” insert “, (7) or (8)”,
 - (b) in paragraph (b), after “89(1)” insert “or (4)”.
- 8 In section 93(5) (offences), after paragraph (aa) insert—
 - “(aaa) the relevant person is not disqualified from being registered by virtue of an order under section 93A(2);”.