

2003 No. 319

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Anti-social Behaviour Orders) 2003

Made 18th June 2003

Coming into force 27th June 2003

The Lords of Council and Session, under and by virtue of the powers conferred by section 32 of the Sheriff Courts (Scotland) Act 1971(a) and of all other powers enabling them in that behalf, having approved draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the said Act of 1971, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Anti-social Behaviour Orders) 2003, and shall come into force on 27th June 2003.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of the Summary Applications Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(b) is amended in accordance with paragraph (2).

(2) In Chapter 3 (rules on applications under specific statutes), after Part XXI (Immigration and Asylum Act 1999(c)) insert—

(a) 1971 c.58; section 32 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 2, paragraph 12, the Civil Evidence (Scotland) Act 1988 (c.32), section 2(4), the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 18(2), the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 13, and the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), section 43, and was extended by the Child Support Act 1991 (c.48), sections 39(2) and 49.

(b) S.I. 1999/929; amended by S.S.I. 2000/148 and 387, 2001/142, and 2002/7 and 129, 130, 146 and 563, and 2003/26, 27, 98 and 261.

(c) 1999 c.33.

"PART XXII
CRIME AND DISORDER ACT 1998

Interpretation

3.22.1 In this Part—

“the Act” means the Crime and Disorder Act 1998(a);

“interim ASBO” means an ASBO made under section 19(2A) of the Act(b); and

“ASBO” means an anti-social behaviour order made under section 19(3) of the Act.

Application for an interim ASBO

3.22.2—(1) An application for an interim ASBO shall be made by crave in the initial writ in which an ASBO is sought.

(2) An application for an interim ASBO once craved shall be moved by motion to that effect.

(3) The sheriff shall not consider an application for an interim ASBO until after service of the initial writ has been effected on the person in respect of whom that application is made.

Intimation of an ASBO

3.22.3 The pursuer shall forthwith intimate the making or recall of an ASBO or an interim ASBO to the relevant Chief Constable.”.

W DOUGLAS CULLEN
Lord President
I.P.D.

Edinburgh
18th June 2003

(a) 1998 c.37.

(b) Section 19(2A) is prospectively inserted by the Criminal Justice (Scotland) Act 2003 (asp 7), section 44.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 (“the 1999 Rules”).

Article 2 inserts a new Part XXII into Chapter 3 of the 1999 Rules to provide rules for applications by local authorities or social landlords for anti-social behaviour orders, including interim orders.

In the new Part–

- (a) rule 3.22.1 provides definitions;
- (b) rule 3.22.2 provides that an interim order must be sought as part of an application for a final order, and cannot be considered until after that application has been served on the defender; and
- (c) rule 3.22.3 provides that the grant or recall of an order must be intimated to the Chief Constable for the area of any local authority making an application, or where a social landlord has applied for the area where the defender resides.

2003 No. 319

SHERIFF COURT

Act of Sederunt (Summary Applications, Statutory
Applications and Appeals etc. Rules) Amendment
(Anti-social Behaviour Orders) 2003

£1.75

© Crown Copyright 2003

