



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) (a “relevant offence”) shall be liable on summary conviction—
 - (a) where the person has not, within the relevant period, been convicted of a previous offence under the same subsection—
 - (i) to a fine not exceeding level 4 on the standard scale; or
 - (ii) to imprisonment for a term not exceeding 3 months,or to both;
 - (b) where the person has, within the relevant period, been convicted of a previous offence under the same subsection—
 - (i) to a fine not exceeding the statutory maximum; or
 - (ii) to imprisonment for a term not exceeding 9 months,or to both.

- (5) In subsection (4), “relevant period” means the period of 2 years ending with the day on which the relevant offence was committed.

38 Offences under section 37: arrest without warrant

- (1) Where a constable reasonably believes that a person is committing or has committed an offence under section 37(1) or (2), the constable may arrest the person without warrant.
- (2) Subsection (1) is without prejudice to any power of arrest conferred by law apart from that subsection.

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.