

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Paragraph 2 is up to date with all changes known to be in force on or before 26 April 2024. 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) View outstanding changes*

SCHEDULE 1 POWERS IN RELATION TO EQUIPMENT SEIZED UNDER SECTION 47

Modifications etc. (not altering text)

C1 Sch. 1 applied (with modifications) by 1990 c. 43, s. 81(3C) (as inserted (1.12.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(1), 145(2), [Sch. 4 para. 3](#); S.S.I. 2004/420, [art. 3](#), [Sch. 3](#))

- 2 (1) Any seized equipment may be retained—
- (a) during the period of 28 days beginning with the seizure; or
 - (b) if it is related equipment in proceedings for a noise offence instituted within that period against any person, until—
 - (i) that person is sentenced or otherwise dealt with for, or acquitted of, the offence; or
 - (ii) the proceedings are discontinued.
- (2) Sub-paragraph (1) does not authorise the retention of seized equipment if—
- (a) a person has been given a fixed penalty notice under section 46 in respect of any noise;
 - (b) the equipment was seized because of its use in the emission of the noise in respect of which the fixed penalty notice was given; and
 - (c) that person has paid the fixed penalty before the end of the period allowed for its payment.

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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\(1\)](#)