

*Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Paragraph 3 is up to date with all changes known to be in force on or before 17 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)

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- (1) Where a person is convicted of a noise offence the court may make an order (a “forfeiture order”) for forfeiture of any related equipment.
  - (2) The court may make a forfeiture order whether or not it deals also with the offender in respect of the offence in any other way and without regard to any restrictions on forfeiture in any enactment.
  - (3) In considering whether to make a forfeiture order in respect of any equipment, a court shall have regard—
    - (a) to the value of the equipment; and
    - (b) to the likely financial and other effects on the offender of the making of the order (taken with any other order that the court contemplates making).
  - (4) A forfeiture order operates to deprive the offender of any rights in the equipment to which it relates.

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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\(1\)](#)