



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 13

MISCELLANEOUS AND GENERAL

Miscellaneous

138 Privacy of certain proceedings

- (1) Subject to subsection (2)—
- (a) proceedings mentioned in subsection (4) shall be conducted and determined in private; and
 - (b) no person other than a person whose presence is necessary for their proper consideration shall be present.
- (2) The court before which particular proceedings are taking place may direct that the proceedings—
- (a) shall take place in public; or
 - (b) shall take place in the presence of such additional persons as the court may direct.
- (3) A direction under subsection (2) may be given in respect of the whole, or any part, of proceedings.
- (4) The proceedings referred to in subsection (1) are—
- (a) proceedings before a sheriff on an application for—
 - (i) an order under section 4(1) in respect of a child;
 - (ii) the variation, or revocation, under section 5(1) of such an order;
 - (iii) an order under section 102(1); or
 - (iv) the variation, or revocation, under section 105(1) of an order made under section 13(1) or 102(1);
 - (b) proceedings before a sheriff for the purpose of considering whether—
 - (i) to make an order under section 7(2) in respect of a child;

Status: This is the original version (as it was originally enacted).

- (ii) to recall such an order;
 - (iii) to make a requirement under section 12(1);
 - (iv) to make an order under section 13(1); or
 - (v) to make an order under section 105(5); and
- (c) an appeal arising from proceedings mentioned in paragraph (a) or (b).