

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 – Miscellaneous and General

Section 141 – Orders and regulations

313. **Section 141** provides that powers to make orders or regulations in the Act shall be exercisable by statutory instrument.
314. Subsection (3) provides that except where otherwise provided the statutory instruments containing such orders or regulations shall be subject to negative resolution procedure in the Scottish Parliament. Subsections (3) and (4) provide that the following orders or regulations shall be the subject of affirmative resolution procedure:
- regulations under section 26(2) to specify premises in respect of which the closure of premises provisions (Part 4) do not apply;
 - an order made under section 53(1) to further prescribe the meaning of ‘relevant place’ and ‘relevant property’ for the purposes of the Part 5 (noise nuisance);
 - an order under section 59(1) to modify the meaning of ‘relevant surface’ for the purposes of the graffiti provisions in Part 6;
 - an order under section 68(6) for the purpose of applying Part 7 (housing: antisocial behaviour notices) in relation to houses used for holiday purposes;
 - an order under section 83(7) to modify subsection 83(6) which describes those types of housing to which Part 8 (housing: registration of certain landlords) does not apply
 - an order under section 103(3) varying the maximum length of a parenting order and/or the maximum period in a parenting order during which the requirement to attend counselling or guidance can subsist;
 - an order under section 128(2) amending, adding, or removing an entry in the table under that section which specifies those offences which are fixed penalty offences; and
 - an order under section 139(7) which modifies the meaning of ‘relevant authority’ set out in subsection (5) of that section, which relates to the disclosure and sharing of information.