



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) [^{F1}shall be liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 (c. 46) or to both.]
- (5) ^{F2}.....

Textual Amendments

- F1** Words in s. 37(4) substituted (10.12.2007) by *Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)*, ss. 44(3)(a), 84; S.S.I. 2007/479, art. 3(1), Sch. (with arts. 4-14) (as amended by S.S.I. 2007/527, art. 2)
- F2** S. 37(5) repealed (10.12.2007) by *Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)*, ss. 44(3)(b), 84; S.S.I. 2007/479, art. 3(1), Sch. (with arts. 4-14) (as amended by S.S.I. 2007/527, art. 2)

Changes to legislation: Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: General is up to date with all changes known to be in force on or before 25 May 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

F3 38 Offences under section 37: arrest without warrant

.....

Textual Amendments

F3 S. 38 repealed (25.1.2018) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), **sch. 2 para. 18(c)**; S.S.I. 2017/345, art. 3, sch.

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.

Changes to legislation:

Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: General is up to date with all changes known to be in force on or before 25 May 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.

[View outstanding changes](#)

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\(1\)](#)