



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 3

### DISPERSAL OF GROUPS

#### *Authorisations and powers*

#### **21 Powers exercisable in pursuance of authorisations**

- (1) Where a constable has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in the relevant locality is causing or is likely to cause alarm or distress to any members of the public, the constable may exercise a power mentioned in subsection (3).
- (2) In determining whether to exercise a power mentioned in subsection (3) a constable shall have regard to whether the exercise of the power would be likely to result in the persons in the group causing less alarm and distress to members of the public in the relevant locality than if the power were not exercised.
- (3) Subject to subsection (5), the constable may give—
  - (a) a direction requiring the persons in the group to disperse;
  - (b) a direction requiring any of those persons whose place of residence is not within the relevant locality to leave the relevant locality or any part of the relevant locality;
  - (c) a direction prohibiting any of those persons whose place of residence is not within the relevant locality from returning to the relevant locality or any part of the relevant locality during such period (not exceeding 24 hours) from the giving of the direction as the constable may specify.
- (4) The constable may require a direction under paragraph (a) or (b) of subsection (3) to be complied with—
  - (a) immediately or by such time as the constable may specify;
  - (b) in such way as may be so specified.

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*Status: Point in time view as at 01/04/2015.*

**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 21 is up to date with all changes known to be in force on or before 17 June 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)*

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- (5) A direction under subsection (3) may not be given in respect of a group of persons—
- (a) who are engaged in conduct which is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52); or
  - (b) who are taking part in a procession in respect of which—
    - (i) written notice has been given in accordance with subsections (2) and (3) of section 62 of the Civic Government (Scotland) Act 1982 (c. 45);
    - (ii) by virtue of subsection (6) or (7) of that section such notice is not required to be given.

**Status:**

Point in time view as at 01/04/2015.

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