



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

### CHAPTER II

#### SCOTLAND

#### 19 Anti-social behaviour orders.

F1 .....

##### Textual Amendments

F1 S. 19 repealed (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(2), 145(2), [sch. 5](#); S.S.I. 2004/420, [art. 3](#), sch. 1 (with art. 4)

#### 20 Sex offender orders.

F2 .....

##### Textual Amendments

F2 S. 20 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), [Sch. 6 para. 38\(4\)](#), [Sch. 7](#); S.I. 2004/874, [art. 2](#)

#### 21 Procedural provisions with respect to orders.

F3 .....

*Status: Point in time view as at 07/05/2024.*

*Changes to legislation: Crime and Disorder Act 1998, Chapter II is up to date with all changes known to be in force on or before 20 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)*

**Textual Amendments**

- F3** S. 21 repealed (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(2), 145(2), [sch. 5](#); S.S.I. 2004/420, [art. 3](#), sch. 1 (with art. 4)

**[<sup>F4</sup>21A Sex offender orders made in England and Wales or Northern Ireland**

<sup>F5</sup> .....

**Textual Amendments**

- F4** S. 21A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 71; S.I. 2002/420, [art. 2](#)
- F5** S. 21A repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), Sch. 6 para. 38(6), [Sch. 7](#); S.I. 2004/874, [art. 2](#)

**22 Offences in connection with breach of orders.**

<sup>F6</sup> .....

**Textual Amendments**

- F6** S. 22 repealed (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(2), 145(2), [sch. 5](#); S.S.I. 2004/420, [art. 3](#), sch. 1 (with art. 4)

**[<sup>F7</sup>22A Anti-social behaviour strategies**

<sup>F8</sup> .....

**Textual Amendments**

- F7** S. 22A inserted (prosp.) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 83, 89
- F8** S. 22A repealed (28.10.2004) (never in force) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), ss. 144(2), 145(2), [Sch. 5](#); S.S.I. 2004/420, [art. 3](#), sch. 1 (with art. 4)

**23 Anti-social behaviour as ground of eviction.**

- (1) <sup>F9</sup> .....
- (2) <sup>F9</sup> .....
- (3) <sup>F9</sup> .....

(4) For Ground 15 in Schedule 5 to the <sup>M1</sup>Housing (Scotland) Act 1988 (eviction on ground of use of premises for immoral or illegal purposes etc.) there shall be substituted the following—

**Ground 15**

The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has—

- (a) been convicted of—

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- (i) using or allowing the house to be used for immoral or illegal purposes;  
or
- (ii) an offence punishable by imprisonment committed in, or in the locality of, the house; or
- (b) acted in an anti-social manner in relation to a person residing, visiting or otherwise engaging in lawful activity in the locality; or
- (c) pursued a course of anti-social conduct in relation to such a person as is mentioned in head (b) above.

In this Ground “anti-social”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance, “conduct” includes speech and a course of conduct must involve conduct on at least two occasions and “tenant” includes any one of joint tenants.”

- (5) No person shall be liable to eviction under paragraph 2 or 7 of Schedule 3 to the <sup>M2</sup>Housing (Scotland) Act 1987 or Ground 15 in Schedule 5 to the <sup>M3</sup>Housing (Scotland) Act 1988 as substituted respectively by subsection (2), (3) and (4) above in respect of any act or conduct before the commencement of this section unless he would have been liable to be evicted under those paragraphs or, as the case may be, that Ground as they had effect before that substitution.

#### Textual Amendments

- F9** S. 23(1)-(3) repealed (30.9.2002) by [The Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 112, Sch. 10 para. 27; S.S.I. 2002/321, [art. 2](#), Sch. (with arts. 3-5)

#### Marginal Citations

- M1** 1988 c.43.  
**M2** 1987 c.26.  
**M3** 1988 c.43.

## 24 Noise-making equipment: police power of seizure.

- (1) The <sup>M4</sup>Civic Government (Scotland) Act 1982 shall be amended in accordance with this section.
- (2) In section 54 (offence of playing instruments, etc.), after subsection (2) there shall be inserted the following subsections—
- “(2A) Where a constable reasonably suspects that an offence under subsection (1) above has been committed in relation to a musical instrument or in relation to such a device as is mentioned in paragraph (c) of that subsection, he may enter any premises on which he reasonably suspects that instrument or device to be and seize any such instrument or device he finds there.
  - (2B) A constable may use reasonable force in the exercise of the power conferred by subsection (2A) above.
  - (2C) Schedule 2A to this Act (which makes provision in relation to the retention and disposal of property seized under subsection (2A) above) shall have effect.”
- (3) In section 60 (powers of search and seizure)—
- (a) in subsection (5)—

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- (i) after the words “Nothing in” there shall be inserted the words “section 54(2A) of this Act or ”; and
  - (ii) for the words from “which” to the end there shall be substituted the words “ which is otherwise exercisable by a constable ”; and
- (b) in subsection (6)—
- (i) in paragraph (a), for the words from “in pursuance” to the word “vessel” there shall be substituted the words—
    - “to enter and search—
    - (i) any premises in pursuance of section 54(2A) of this Act or of subsection (1) above; or
    - (ii) any vehicle or vessel in pursuance of the said subsection (1),”; and
  - (ii) in paragraph (c), after “under” there shall be inserted the words “section 54(2A) of this Act or ”.
- (4) After Schedule 2 there shall be inserted the Schedule set out in Schedule 1 to this Act.

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**Marginal Citations**

**M4** 1982 c.45.

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