



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

### CHAPTER II

#### SCOTLAND

#### **19 Anti-social behaviour orders.**

- (1) A local authority may make an application for an order under this section if it appears to the authority that the following conditions are fulfilled with respect to any person of or over the age of 16, namely—
  - (a) that the person has—
    - (i) acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause alarm or distress; or
    - (ii) pursued a course of anti-social conduct, that is to say, pursued a course of conduct that caused or was likely to cause alarm or distress, to one or more persons not of the same household as himself in the authority's area (and in this section "anti-social acts" and "anti-social conduct" shall be construed accordingly); and
  - (b) that such an order is necessary to protect persons in the authority's area from further anti-social acts or conduct by him.
- (2) An application under subsection (1) above shall be made by summary application to the sheriff within whose sheriffdom the alarm or distress was alleged to have been caused or to have been likely to be caused.
- (3) On an application under subsection (1) above, the sheriff may, if he is satisfied that the conditions mentioned in that subsection are fulfilled, make an order under this section (an "anti-social behaviour order") which, for the purpose of protecting persons in the

*Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 19 is up to date with all changes known to be in force on or before 05 July 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)*

area of the local authority from further anti-social acts or conduct by the person against whom the order is sought, prohibits him from doing anything described in the order.

- (4) For the purpose of determining whether the condition mentioned in subsection (1)(a) is fulfilled, the sheriff shall disregard any act of the person in respect of whom the application is made which that person shows was reasonable in the circumstances.
- (5) This section does not apply in relation to anything done before the commencement of this section.
- (6) Nothing in this section shall prevent a local authority from instituting any legal proceedings otherwise than under this section against any person in relation to any anti-social act or conduct.
- (7) In this section “conduct” includes speech and a course of conduct must involve conduct on at least two occasions.
- (8) In this section and section 21 below “local authority” means a council constituted under section 2 of the <sup>M1</sup>Local Government etc. (Scotland) Act 1994 and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act for which it is so constituted.

#### Commencement Information

- II** S. 19 wholly in force at 1.4.1999; S. 19 not in force at Royal assent, see s. 121; S. 19 in force in Scotland at 1.4.1999 by S.I. 1998/3263, art. 5

#### Marginal Citations

- M1** 1994 c.39.

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