



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

### CHAPTER II

#### SCOTLAND

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

- (1) Before making an application under—
  - (a) section 19(1) above;
  - (b) subsection (7)(b)(i) below,the local authority shall consult the relevant chief constable.
- (2) Before making an application under section 20(1) above or subsection (7)(b)(i) below, the chief constable shall consult the local authority within whose area the person in respect of whom the order is sought is for the time being.
- (3) In subsection (1) above “relevant chief constable” means the chief constable of the police force maintained under the <sup>M1</sup>Police (Scotland) Act 1967 the area of which includes the area of the local authority making the application.
- (4) A failure to comply with subsection (1) or (2) above shall not affect the validity of an order made on any application to which either of those subsections applies.
- (5) A record of evidence shall be kept on any summary application under section 19 or 20 above or subsection (7)(b) below.
- (6) Subsections (7) to (9) below apply to anti-social behaviour orders and sex offender orders and subsections (8) and (9) below apply to an order made under section 20(4)(a) above.

*Status: Point in time view as at 08/02/2000. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 21 is up to date with all changes known to be in force on or before 03 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)*

- (7) An order to which this subsection applies—
- (a) shall have effect for a period specified in the order or indefinitely; and
  - (b) may at any time be varied or revoked on a summary application by—
    - (i) the local authority or, as the case may be, chief constable who obtained the order; or
    - (ii) the person subject to the order.
- (8) The clerk of the court by which an order to which this subsection applies is made or varied shall cause a copy of the order as so made or varied to be—
- (a) given to the person named in the order; or
  - (b) sent to the person so named by registered post or by the recorded delivery service.
- (9) An acknowledgement or certificate of delivery of a letter sent under subsection (8)(b) above issued by the Post Office shall be sufficient evidence of the delivery of the letter on the day specified in such acknowledgement or certificate.
- (10) Where an appeal is lodged against the determination of an application under section 19 or 20 above or subsection (7)(b) above, any order made on the application shall, without prejudice to the determination of an application under subsection (7)(b) above made after the lodging of the appeal, continue to have effect pending the disposal of the appeal.

#### Commencement Information

**II** S. 21 wholly in force at 1.4.1999; s. 21 not in force at Royal Assent see s. 121; s. 21 in force at 1.12.1998 for the purposes of sex offender orders made under s. 20 and orders made under s. 20(4)(a) by S.I. 1998/2327, art. 4(1); S. 21 in force to the extent that it is not already in force at 1.4.1999 by S.I. 1998/3263, art. 5

#### Marginal Citations

**M1** 1967 c.77.

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