SCOTTISH STATUTORY INSTRUMENTS

2004 No. 420 (C. 31)

CRIMINAL LAW
POLICE
LOCAL GOVERNMENT
ENVIRONMENTAL PROTECTION

The Antisocial Behaviour etc. (Scotland) Act 2004 (Commencement and Savings) Order 2004

Made - - - - 27th September 2004

The Scottish Ministers, in exercise of the powers conferred by sections 141(2) and 145(2) of the Antisocial Behaviour etc. (Scotland) Act 2004(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Antisocial Behaviour etc. (Scotland) Act 2004 (Commencement and Savings) Order 2004.

(2) In this Order "the Act" means the Antisocial Behaviour etc. (Scotland) Act 2004.

Appointed days

2. All the provisions of the Act, so far as not then in force, shall come into force, for all purposes, on 15th November 2005.

3. The provisions of the Act which are specified in column 1 of any of the Schedules to this Order and the subject matter of which are described in column 2 of that Schedule shall, so far as not then in force, come into force on the day appointed in relation to that Schedule in the Table below but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

(**1**) 2004 asp 8.

TABLE

Schedule	*Appointed day*
1	28th October 2004
2	5th November 2004
3	1st December 2004
4	31st January 2005
5	4th April 2005

Savings

4.—(1) Notwithstanding the repeal of sections 19, 21 and 22 of the Crime and Disorder Act 1998(**2**) by virtue of article 3 above, those sections shall continue to have effect, on and after 28th October 2004, as they had effect immediately before that date, in a case to which paragraph (2) below applies.

(2) This paragraph applies in the case of any application for an antisocial behaviour order which is founded on acts or omissions which are alleged to have occurred before 28th October 2004.

(3) Notwithstanding the commencement of section 100 of the Act by article 3 above, section 18(6)(a) of, and ground 15 of Schedule 5 to, the Housing (Scotland) Act 1988(**3**) shall continue to have effect, on and after 28th October 2004, as it had effect immediately before that date, in a case to which paragraph (4) below applies.

(4) This paragraph applies in the case of any proceedings for recovery of possession where those proceedings found on acts or omissions which are alleged to have occurred before 28th October 2004.

St Andrew's House, Edinburgh
27th September 2004

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

(**2**) 1998 c. 37.
(**3**) 1988 c. 43.

SCHEDULE 1 Article 3

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 28TH OCTOBER 2004

Column 1 *Provisions of the Act*	*Column 2* *Subject Matter*	*Column 3* *Purpose*
Sections 1 to 3 (Part 1)	Antisocial behaviour strategies	
Sections 4 to 12 and 14 to 18	Antisocial behaviour orders	
Sections 19 to 25 (Part 3)	Dispersal of groups	
Sections 26 to 40 (Part 4)	Closure of premises	
Sections 56 to 67	The environment	
Section 68	Antisocial behaviour notices	Only for the purpose of enabling orders to be made to come into force on 15th November 2005
Section 72	Appeals against orders under section 71	Only for the purpose of enabling regulations to be made to come into force on 15th November 2005
Section 74	Management Control Order	Only for the purpose of commencing the paragraphs of schedule 3 specified in column 1 below
Section 78	Action by local authority at landlord's expense	Only for the purpose of enabling regulations to be made to come into force on 15th November 2005
Section 80	Advice and assistance	Only for the purpose of enabling regulations to be made to come into force on 15th November 2005
Section 83	Application for registration	Only for the purpose of enabling (a) applications for registration to be made, (b) fees to be determined by the local authority and (c) orders and regulations to be made to come into force no later than 15th November 2005
Section 87	Duty to provide information to local authority	Only for the purpose of enabling regulations to be made to come into force no later than 15th November 2005
Section 97	Appeals	Only for the purpose of enabling regulations to be