

APPENDIX

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/1 Power to grant injunctions

Part 1

Injunctions

Injunctions

1 Power to grant injunctions

- (1) A court may grant an injunction under this section against a person aged 10 or over ("the respondent") if two conditions are met.
- (2) The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour.
- (3) The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour.
- (4) An injunction under this section may for the purpose of preventing the respondent from engaging in anti-social behaviour--
- (a) prohibit the respondent from doing anything described in the injunction;
 - (b) require the respondent to do anything described in the injunction.
- (5) Prohibitions and requirements in an injunction under this section must, so far as practicable, be such as to avoid--
- (a) any interference with the times, if any, at which the respondent normally works or attends school or any other educational establishment;
 - (b) any conflict with the requirements of any other court order or injunction to which the respondent may be subject.
- (6) An injunction under this section must--
- (a) specify the period for which it has effect, or
 - (b) state that it has effect until further order.
- In the case of an injunction granted before the respondent has reached the age of 18, a period must be specified and it must be no more than 12 months.
- (7) An injunction under this section may specify periods for which particular prohibitions or requirements have effect.
- (8) An application for an injunction under this section must be made to--
- (a) a youth court, in the case of a respondent aged under 18;
 - (b) the High Court or the county court, in any other case.

Paragraph (b) is subject to any rules of court made under section 18(2).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/2 Meaning of "anti-social behaviour"

2 Meaning of "anti-social behaviour"

(1) In this Part "anti-social behaviour" means--

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.

(2) Subsection (1)(b) applies only where the injunction under section 1 is applied for by--

- (a) a housing provider,
- (b) a local authority, or
- (c) a chief officer of police.

(3) In subsection (1)(c) "housing-related" means directly or indirectly relating to the housing management functions of--

- (a) a housing provider, or
- (b) a local authority.

(4) For the purposes of subsection (3) the housing management functions of a housing provider or a local authority include--

- (a) functions conferred by or under an enactment;
- (b) the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/3 Requirements included in injunctions

Contents of injunctions

3 Requirements included in injunctions

(1) An injunction under section 1 that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

(2) Before including a requirement, the court must receive evidence about its suitability and enforceability from--

- (a) the individual to be specified under subsection (1), if an individual is to be specified;
- (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

(3) Before including two or more requirements, the court must consider their compatibility with each other.

(4) It is the duty of a person specified under subsection (1)--

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements");
- (b) to promote the respondent's compliance with the relevant requirements;
- (c) if the person considers that the respondent--
 - (i) has complied with all the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,

to inform the person who applied for the injunction and the appropriate chief officer of police.

(5) In subsection (4)(c) "the appropriate chief officer of police" means--

- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the respondent lives, or

(b) if it appears to that person that the respondent lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.

(6) A respondent subject to a requirement included in an injunction under section 1 must--

(a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time;

(b) notify the person of any change of address.

These obligations have effect as requirements of the injunction.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/4 Power of arrest

4 Power of arrest

(1) A court granting an injunction under section 1 may attach a power of arrest to a prohibition or requirement of the injunction if the court thinks that--

(a) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or

(b) there is a significant risk of harm to other persons from the respondent.

"Requirement" here does not include one that has the effect of requiring the respondent to participate in particular activities.

(2) If the court attaches a power of arrest, the injunction may specify a period for which the power is to have effect which is shorter than that of the prohibition or requirement to which it relates.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/5 Applications for injunctions

Applications for injunctions

5 Applications for injunctions

(1) An injunction under section 1 may be granted only on the application of--

- (a) a local authority,
- (b) a housing provider,
- (c) the chief officer of police for a police area,
- (d) the chief constable of the British Transport Police Force,
- (e) Transport for London,
- (f) the Environment Agency,
- (g) the Natural Resources Body for Wales,
- (h) the Secretary of State exercising security management functions, or a Special Health Authority exercising security management functions on the direction of the Secretary of State, or
- (i) the Welsh Ministers exercising security management functions, or a person or body exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person or body.

(2) In subsection (1) "security management functions" means--

- (a) the Secretary of State's security management functions within the meaning given by section 195(3) of the National Health Service Act 2006;
- (b) the functions of the Welsh Ministers corresponding to those functions.

(3) A housing provider may make an application only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions.

(4) For the purposes of subsection (3) the housing management functions of a housing provider include--

- (a) functions conferred by or under an enactment;
- (b) the powers and duties of the housing provider as the holder of an estate or interest in housing accommodation.

- (5) The Secretary of State may by order--
- (a) amend this section;
 - (b) amend section 20 in relation to expressions used in this section.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/6 Applications without notice

6 Applications without notice

- (1) An application for an injunction under section 1 may be made without notice being given to the respondent.
- (2) If an application is made without notice the court must either--
- (a) adjourn the proceedings and grant an interim injunction (see section 7), or
 - (b) adjourn the proceedings without granting an interim injunction, or
 - (c) dismiss the application.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/7 Interim injunctions

Interim injunctions

7 Interim injunctions

- (1) This section applies where the court adjourns the hearing of an application (whether made with notice or without) for an injunction under section 1.
- (2) The court may grant an injunction under that section lasting until the final hearing of the application or until further order (an "interim injunction") if the court thinks it just to do so.
- (3) An interim injunction made at a hearing of which the respondent was not given notice may not have the effect of requiring the respondent to participate in particular activities.
- (4) Subject to that, the court has the same powers (including powers under section 4) whether or not the injunction is an interim injunction.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014
Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/8 Variation or discharge of injunctions

Variation and discharge

8 Variation or discharge of injunctions

- (1) The court may vary or discharge an injunction under section 1 on the application of--
 - (a) the person who applied for the injunction, or
 - (b) the respondent.
- (2) In subsection (1) "the court" means--

- (a) the court that granted the injunction, except where paragraph (b) applies;
 - (b) the county court, where the injunction was granted by a youth court but the respondent is aged 18 or over.
- (3) The power to vary an injunction includes power--
- (a) to include an additional prohibition or requirement in the injunction, or to extend the period for which a prohibition or requirement has effect;
 - (b) to attach a power of arrest, or to extend the period for which a power of arrest has effect.
- (4) If an application under this section is dismissed, the party by which the dismissed application was made may make no further application under this section without--
- (a) the consent of the court, or
 - (b) the agreement of the other party.
- (5) Section 3 applies to additional requirements included under subsection (3)(a) above as it applies to requirements included in a new injunction.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/9 Arrest without warrant

Breach of injunctions

9 Arrest without warrant

- (1) Where a power of arrest is attached to a provision of an injunction under section 1, a constable may arrest the respondent without warrant if he or she has reasonable cause to suspect that the respondent is in breach of the provision.
- (2) A constable who arrests a person under subsection (1) must inform the person who applied for the injunction.
- (3) A person arrested under subsection (1) must, within the period of 24 hours beginning with the time of the arrest, be brought before--

- (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
 - (b) a judge of the county court, if--
 - (i) the injunction was granted by the county court, or
 - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
 - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- (4) In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- (5) The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
- (6) The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/10 Issue of arrest warrant

10 Issue of arrest warrant

- (1) If the person who applied for an injunction under section 1 thinks that the respondent is in breach of any of its provisions, the person may apply for the issue of a warrant for the respondent's arrest.
- (2) The application must be made to--
 - (a) a judge of the High Court, if the injunction was granted by the High Court;
 - (b) a judge of the county court, if--
 - (i) the injunction was granted by the county court, or
 - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
 - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.

(3) A judge or justice may issue a warrant under this section only if the judge or justice has reasonable grounds for believing that the respondent is in breach of a provision of the injunction.

(4) A warrant issued by a judge of the High Court must require the respondent to be brought before that court.

(5) A warrant issued by a judge of the county court must require the respondent to be brought before that court.

(6) A warrant issued by a justice of the peace must require the respondent to be brought before--

- (a) the youth court that granted the injunction, if the person is aged under 18;
- (b) the county court, if the person is aged 18 or over.

(7) A constable who arrests a person under a warrant issued under this section must inform the person who applied for the injunction.

(8) If the respondent is brought before a court by virtue of a warrant under this section but the matter is not disposed of straight away, the court may remand the respondent.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/11 Remands

11 Remands

Schedule 1 (remands under sections 9 and 10) has effect.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/12 Powers in respect of under-18s

12 Powers in respect of under-18s

Schedule 2 (breach of injunctions: powers of court in respect of under-18s) has effect.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/13 Power to exclude person from home in cases of violence or risk of harm

Exclusion from home

13 Power to exclude person from home in cases of violence or risk of harm

(1) An injunction under section 1 may have the effect of excluding the respondent from the place where he or she normally lives ("the premises") only if--

- (a) the respondent is aged 18 or over,
- (b) the injunction is granted on the application of--
 - (i) a local authority,
 - (ii) the chief officer of police for the police area that the premises are in, or
 - (iii) if the premises are owned or managed by a housing provider, that housing provider, and

- (c) the court thinks that--
 - (i) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or
 - (ii) there is a significant risk of harm to other persons from the respondent.
- (2) For the purposes of this section a housing provider owns a place if--
 - (a) the housing provider is a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the place, whether in possession or in reversion, or
 - (b) the housing provider is a person who holds or is entitled to the rents and profits of the place under a lease that (when granted) was for a term of not less than 3 years.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/14 Requirements to consult etc

Supplemental

14 Requirements to consult etc

- (1) A person applying for an injunction under section 1 must before doing so--
 - (a) consult the local youth offending team about the application, if the respondent will be aged under 18 when the application is made;
 - (b) inform any other body or individual the applicant thinks appropriate of the application.

This subsection does not apply to a without-notice application.

- (2) Where the court adjourns a without-notice application, before the date of the first on-notice hearing the applicant must--
 - (a) consult the local youth offending team about the application, if the respondent will be aged under 18 on that date;
 - (b) inform any other body or individual the applicant thinks appropriate of the application.

(3) A person applying for variation or discharge of an injunction under section 1 granted on that person's application must before doing so--

- (a) consult the local youth offending team about the application for variation or discharge, if the respondent will be aged under 18 when that application is made;
- (b) inform any other body or individual the applicant thinks appropriate of that application.

(4) In this section--

"local youth offending team" means--

- (a) the youth offending team in whose area it appears to the applicant that the respondent lives, or
- (b) if it appears to the applicant that the respondent lives in more than one such area, whichever one or more of the relevant youth offending teams the applicant thinks it appropriate to consult;

"on-notice hearing" means a hearing of which notice has been given to the applicant and the respondent in accordance with rules of court;

"without-notice application" means an application made without notice under section 6.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/15 Appeals against decisions of youth courts

15 Appeals against decisions of youth courts

(1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.

(2) On an appeal under this section the Crown Court may make--

- (a) whatever orders are necessary to give effect to its determination of the appeal;
- (b) whatever incidental or consequential orders appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by the youth court) is to be treated for the purposes of section 8 as an order of the youth court.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/16 Special measures for witnesses

16 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to proceedings under this Part as it applies to criminal proceedings, but with--

- (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and
- (b) any other necessary modifications.

(2) The provisions are--

- (a) section 17(4) to (7);
- (b) section 21(4C)(e);
- (c) section 22A;
- (d) section 27(10);
- (e) section 32.

(3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to proceedings under this Part--

- (a) to the extent provided by rules of court, and
- (b) subject to any modifications provided by rules of court.

(4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications--

- (a) to a direction under section 19 of that Act as applied by this section;

(b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/17 Children and young persons: disapplication of reporting restrictions

17 Children and young persons: disapplication of reporting restrictions

Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply to proceedings under this Part.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/18 Rules of court

18 Rules of court

(1) Rules of court may provide that an appeal from a decision of the High Court, the county court or a youth court--

- (a) to dismiss an application for an injunction under section 1 made without notice being given to the respondent, or
- (b) to refuse to grant an interim injunction when adjourning proceedings following such an application,

may be made without notice being given to the respondent.

(2) Rules of court may provide for a youth court to give permission for an application for an injunction under section 1 against a person aged 18 or over to be made to the youth court if--

- (a) an application to the youth court has been made, or is to be made, for an injunction under that section against a person aged under 18, and
- (b) the youth court thinks that it would be in the interests of justice for the applications to be heard together.

(3) In relation to a respondent attaining the age of 18 after proceedings under this Part have begun, rules of court may--

- (a) provide for the transfer of the proceedings from the youth court to the High Court or the county court;
- (b) prescribe circumstances in which the proceedings may or must remain in the youth court.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/19 Guidance

19 Guidance

(1) The Secretary of State may issue guidance to persons entitled to apply for injunctions under section 1 (see section 5) about the exercise of their functions under this Part.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/20 Interpretation etc

20 Interpretation etc

(1) In this Part--

"anti-social behaviour" has the meaning given by section 2;

"harm" includes serious ill-treatment or abuse, whether physical or not;

"housing accommodation" includes--

- (a) flats, lodging-houses and hostels;
- (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
- (c) any common areas used in connection with the accommodation;

"housing provider" means--

- (a) a housing trust, within the meaning given by section 2 of the Housing Associations Act 1985, that is a charity;
- (b) a housing action trust established under section 62 of the Housing Act 1988;
- (c) in relation to England, a non-profit private registered provider of social housing;
- (d) in relation to Wales, a Welsh body registered as a social landlord under section 3 of the Housing Act 1996;
- (e) any body (other than a local authority or a body within paragraphs (a) to (d)) that is a landlord under a secure tenancy within the meaning given by section 79 of the Housing Act 1985;

"local authority" means--

- (a) in relation to England, a district council, a county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;

"respondent" has the meaning given by section 1(1).

- (2) A person's age is treated for the purposes of this Part as being that which it appears to the court to be after considering any available evidence.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 1
Injunctions (ss 1-21)/21 Saving and transitional provision

21 Saving and transitional provision

- (1) In this section "existing order" means any of the following injunctions and orders--
 - (a) an anti-social behaviour injunction under section 153A of the Housing Act 1996;
 - (b) an injunction under section 153B of that Act (injunction against unlawful use of premises);
 - (c) an injunction in which anything is included by virtue of section 153D(3) or (4) of that Act (power to include provision banning person from premises or area, or to include power of arrest, in injunction against breach of tenancy agreement);
 - (d) an order under section 1 or 1B of the Crime and Disorder Act 1998 (anti-social behaviour orders etc);
 - (e) an individual support order under section 1AA of that Act made in connection with an order under section 1 or 1B of that Act;
 - (f) an intervention order under section 1G of that Act;
 - (g) a drinking banning order under section 3 or 4 of the Violent Crime Reduction Act 2006.
- (2) The repeal or amendment by this Act of provisions about any of the existing orders specified in subsection (1)(a) to (d), (f) and (g) does not apply in relation to--
 - (a) an application made before the commencement day for an existing order;

- (b) an existing order (whether made before or after that day) applied for before that day;
 - (c) anything done in connection with such an application or order.
- (3) The repeal or amendment by this Act of provisions about an order specified in subsection (1)(e) does not apply in relation to--
- (a) an individual support order made before the commencement day;
 - (b) anything done in connection with such an order.
- (4) As from the commencement day there may be no variation of an existing order that extends the period of the order or of any of its provisions.
- (5) At the end of the period of 5 years beginning with the commencement day--
- (a) in relation to any of the existing orders specified in subsection (1)(a), (b) and (d) to (g) that is still in force, this Part has effect, with any necessary modifications (and with any modifications specified in an order under section 185(7)), as if the provisions of the order were provisions of an injunction under section 1;
 - (b) the provisions of this Part set out in subsection (6) apply to any injunction specified in subsection (1)(c) that is still in force as they apply to an injunction under section 1;
 - (c) subsections (2) to (4) cease to have effect.
- (6) The provisions referred to in subsection (5)(b) are--
- (a) section 1(7);
 - (b) sections 4(2) and 9 (if a power of arrest is attached);
 - (c) sections 6 to 8;
 - (d) section 10;
 - (e) section 11 and Schedule 1;
 - (f) section 12 and Schedule 2;
 - (g) section 18(1).
- (7) In deciding whether to grant an injunction under section 1 a court may take account of conduct occurring up to 6 months before the commencement day.
- (8) In this section "commencement day" means the day on which this Part comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Anti-social Behaviour, Crime and Policing Act 2014
Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/22 Power to make orders

Part 2

Criminal Behaviour Orders

Criminal behaviour orders

22 Power to make orders

- (1) This section applies where a person ("the offender") is convicted of an offence.
- (2) The court may make a criminal behaviour order against the offender if two conditions are met.
- (3) The first condition is that the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person.
- (4) The second condition is that the court considers that making the order will help in preventing the offender from engaging in such behaviour.
- (5) A criminal behaviour order is an order which, for the purpose of preventing the offender from engaging in such behaviour--
 - (a) prohibits the offender from doing anything described in the order;
 - (b) requires the offender to do anything described in the order.
- (6) The court may make a criminal behaviour order against the offender only if it is made in addition to--
 - (a) a sentence imposed in respect of the offence, or
 - (b) an order discharging the offender conditionally.
- (7) The court may make a criminal behaviour order against the offender only on the application of the prosecution.
- (8) The prosecution must find out the views of the local youth offending team before applying for a criminal behaviour order to be made if the offender will be under the age of 18 when the application is made.
- (9) Prohibitions and requirements in a criminal behaviour order must, so far as practicable, be such as to avoid--
 - (a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment;
 - (b) any conflict with the requirements of any other court order or injunction to which the offender may be subject.
- (10) In this section "local youth offending team" means--

- (a) the youth offending team in whose area it appears to the prosecution that the offender lives, or
- (b) if it appears to the prosecution that the offender lives in more than one such area, whichever one or more of the relevant youth offending teams the prosecution thinks appropriate.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/23 Proceedings on an application for an order

23 Proceedings on an application for an order

- (1) For the purpose of deciding whether to make a criminal behaviour order the court may consider evidence led by the prosecution and evidence led by the offender.
- (2) It does not matter whether the evidence would have been admissible in the proceedings in which the offender was convicted.
- (3) The court may adjourn any proceedings on an application for a criminal behaviour order even after sentencing the offender.
- (4) If the offender does not appear for any adjourned proceedings the court may--
 - (a) further adjourn the proceedings,
 - (b) issue a warrant for the offender's arrest, or
 - (c) hear the proceedings in the offender's absence.
- (5) The court may not act under paragraph (b) of subsection (4) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.
- (6) The court may not act under paragraph (c) of subsection (4) unless it is satisfied that the offender--
 - (a) has had adequate notice of the time and place of the adjourned proceedings, and
 - (b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in his or her absence.
- (7) Subsection (8) applies in relation to proceedings in which a criminal behaviour order is made against an offender who is under the age of 18.

(8) In so far as the proceedings relate to the making of the order--

- (a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the offender;
- (b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/24 Requirements included in orders

24 Requirements included in orders

(1) A criminal behaviour order that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

(2) Before including a requirement, the court must receive evidence about its suitability and enforceability from--

- (a) the individual to be specified under subsection (1), if an individual is to be specified;
- (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

(3) Before including two or more requirements, the court must consider their compatibility with each other.

(4) It is the duty of a person specified under subsection (1)--

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements");
- (b) to promote the offender's compliance with the relevant requirements;
- (c) if the person considers that the offender--
 - (i) has complied with all the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,

to inform the prosecution and the appropriate chief officer of police.

- (5) In subsection (4)(c) "the appropriate chief officer of police" means--
- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the offender lives, or
 - (b) if it appears to that person that the offender lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.
- (6) An offender subject to a requirement in a criminal behaviour order must--
- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time;
 - (b) notify the person of any change of address.

These obligations have effect as requirements of the order.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/25 Duration of order etc

25 Duration of order etc

- (1) A criminal behaviour order takes effect on the day it is made, subject to subsection (2).
- (2) If on the day a criminal behaviour order ("the new order") is made the offender is subject to another criminal behaviour order ("the previous order"), the new order may be made so as to take effect on the day on which the previous order ceases to have effect.
- (3) A criminal behaviour order must specify the period ("the order period") for which it has effect.
- (4) In the case of a criminal behaviour order made before the offender has reached the age of 18, the order period must be a fixed period of--
 - (a) not less than 1 year, and
 - (b) not more than 3 years.

(5) In the case of a criminal behaviour order made after the offender has reached the age of 18, the order period must be--

- (a) a fixed period of not less than 2 years, or
- (b) an indefinite period (so that the order has effect until further order).

(6) A criminal behaviour order may specify periods for which particular prohibitions or requirements have effect.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/26 Interim orders

Interim orders

26 Interim orders

(1) This section applies where a court adjourns the hearing of an application for a criminal behaviour order.

(2) The court may make a criminal behaviour order that lasts until the final hearing of the application or until further order ("an interim order") if the court thinks it just to do so.

(3) Section 22(6) to (8) and section 25(3) to (5) do not apply in relation to the making of an interim order.

(4) Subject to that, the court has the same powers whether or not the criminal behaviour order is an interim order.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/27 Variation or discharge of orders

Variation and discharge

27 Variation or discharge of orders

(1) A criminal behaviour order may be varied or discharged by the court which made it on the application of--

- (a) the offender, or
- (b) the prosecution.

(2) If an application by the offender under this section is dismissed, the offender may make no further application under this section without--

- (a) the consent of the court which made the order, or
- (b) the agreement of the prosecution.

(3) If an application by the prosecution under this section is dismissed, the prosecution may make no further application under this section without--

- (a) the consent of the court which made the order, or
- (b) the agreement of the offender.

(4) The power to vary an order includes power to include an additional prohibition or requirement in the order or to extend the period for which a prohibition or requirement has effect.

(5) Section 24 applies to additional requirements included under subsection (4) as it applies to requirements included in a new order.

(6) In the case of a criminal behaviour order made by a magistrates' court, the references in this section to the court which made the order include a reference to any magistrates' court acting in the same local justice area as that court.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/28 Review of orders

Review of orders (under-18s)

28 Review of orders

(1) If--

- (a) a person subject to a criminal behaviour order will be under the age of 18 at the end of a review period (see subsection (2)),
- (b) the term of the order runs until the end of that period or beyond, and
- (c) the order is not discharged before the end of that period,

a review of the operation of the order must be carried out before the end of that period.

(2) The "review periods" are--

- (a) the period of 12 months beginning with--
 - (i) the day on which the criminal behaviour order takes effect, or
 - (ii) if during that period the order is varied under section 27, the day on which it is varied (or most recently varied, if the order is varied more than once);
- (b) a period of 12 months beginning with--
 - (i) the day after the end of the previous review period, or
 - (ii) if during that period of 12 months the order is varied under section 27, the day on which it is varied (or most recently varied, if the order is varied more than once).

(3) A review under this section must include consideration of--

- (a) the extent to which the offender has complied with the order;
- (b) the adequacy of any support available to the offender to help him or her comply with it;
- (c) any matters relevant to the question whether an application should be made for the order to be varied or discharged.

(4) Those carrying out or participating in a review under this section must have regard to any relevant guidance issued by the Secretary of State under section 32 when considering--

- (a) how the review should be carried out;
- (b) what particular matters the review should deal with;

- (c) what action (if any) it would be appropriate to take as a result of the findings of the review.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/29 Carrying out and participating in reviews

29 Carrying out and participating in reviews

- (1) A review under section 28 is to be carried out by the chief officer of police of the police force maintained for the police area in which the offender lives or appears to be living.
- (2) The chief officer, in carrying out a review under section 28, must act in co-operation with the council for the local government area in which the offender lives or appears to be living; and the council must co-operate in the carrying out of the review.
- (3) The chief officer may invite the participation in the review of any other person or body.
- (4) In this section "local government area" means--
 - (a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;
 - (b) in relation to Wales, a county or a county borough.

For the purposes of this section, the council for the Inner and Middle Temples is the Common Council of the City of London.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/30 Breach of order

Breach of orders

30 Breach of order

(1) A person who without reasonable excuse--

- (a) does anything he or she is prohibited from doing by a criminal behaviour order, or
- (b) fails to do anything he or she is required to do by a criminal behaviour order,

commits an offence.

(2) A person guilty of an offence under this section is liable--

- (a) on summary conviction, to imprisonment for a period not exceeding 6 months or to a fine, or to both;
- (b) on conviction on indictment, to imprisonment for a period not exceeding 5 years or to a fine, or to both.

(3) If a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order under subsection (1)(b) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge).

(4) In proceedings for an offence under this section, a copy of the original criminal behaviour order, certified by the proper officer of the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

(5) In relation to any proceedings for an offence under this section that are brought against a person under the age of 18--

- (a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the person;
- (b) section 45 of the Youth Justice and Criminal Evidence Act 1999 (power to restrict reporting of criminal proceedings involving persons under 18) does so apply.

(6) If, in relation to any proceedings mentioned in subsection (5), the court does exercise its power to give a direction under section 45 of the Youth Justice and Criminal Evidence Act 1999, it must give its reasons for doing so.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/31 Special measures for witnesses

Supplemental

31 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to criminal behaviour order proceedings as it applies to criminal proceedings, but with--

- (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and
- (b) any other necessary modifications.

(2) The provisions are--

- (a) section 17(4) to (7);
- (b) section 21(4C)(e);
- (c) section 22A;
- (d) section 27(10);
- (e) section 32.

(3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to criminal behaviour order proceedings--

- (a) to the extent provided by rules of court, and
- (b) subject to any modifications provided by rules of court.

(4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications--

- (a) to a direction under section 19 of that Act as applied by this section;
- (b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(5) In this section "criminal behaviour order proceedings" means proceedings in a magistrates' court or the Crown Court so far as relating to the issue whether to make a criminal behaviour order.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/32 Guidance

32 Guidance

(1) The Secretary of State may issue guidance to--

- (a) chief officers of police, and
- (b) the councils mentioned in section 29(2),

about the exercise of their functions under this Part.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 2 Criminal Behaviour Orders (ss 22-33)/33 Saving and transitional provision

33 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the orders specified in subsection (2) does not--
 - (a) prevent an order specified in that subsection from being made in connection with criminal proceedings begun before the commencement day;
 - (b) apply in relation to an order specified in that subsection which is made in connection with criminal proceedings begun before that day;
 - (c) apply in relation to anything done in connection with such an order.
- (2) The orders are--
 - (a) an order under section 1C of the Crime and Disorder Act 1998 (orders on conviction in criminal proceedings);
 - (b) an individual support order under section 1AA of that Act made in connection with an order under section 1C of that Act;
 - (c) a drinking banning order under section 6 of the Violent Crime Reduction Act 2006 (orders on conviction in criminal proceedings).
- (3) As from the commencement day there may be no variation of an order specified in subsection (2) that extends the period of the order or of any provision of the order.
- (4) At the end of the period of 5 years beginning with the commencement day--
 - (a) this Part has effect in relation to any order specified in subsection (2) that is still in force as if the provisions of the order were provisions of a criminal behaviour order;
 - (b) subsections (1) to (3) cease to have effect.

This Part, as it applies by virtue of paragraph (a), has effect with any necessary modifications (and with any modifications specified in an order under section 185(7)).

(5) In deciding whether to make a criminal behaviour order a court may take account of conduct occurring up to 1 year before the commencement day.

(6) In this section "commencement day" means the day on which this Part comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/34 Authorisations to use powers under section 35

Part 3

Dispersal Powers

34 Authorisations to use powers under section 35

(1) A police officer of at least the rank of inspector may authorise the use in a specified locality, during a specified period of not more than 48 hours, of the powers given by section 35.

"Specified" means specified in the authorisation.

(2) An officer may give such an authorisation only if satisfied on reasonable grounds that the use of those powers in the locality during that period may be necessary for the purpose of removing or reducing the likelihood of--

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

(3) In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

"Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.

(4) An authorisation under this section--

- (a) must be in writing,
- (b) must be signed by the officer giving it, and
- (c) must specify the grounds on which it is given.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/35 Directions excluding a person from an area

35 Directions excluding a person from an area

(1) If the conditions in subsections (2) and (3) are met and an authorisation is in force under section 34, a constable in uniform may direct a person who is in a public place in the locality specified in the authorisation--

- (a) to leave the locality (or part of the locality), and
- (b) not to return to the locality (or part of the locality) for the period specified in the direction ("the exclusion period").

(2) The first condition is that the constable has reasonable grounds to suspect that the behaviour of the person in the locality has contributed or is likely to contribute to--

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

(3) The second condition is that the constable considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of the events mentioned in subsection (2)(a) or (b).

(4) The exclusion period may not exceed 48 hours.

The period may expire after (as long as it begins during) the period specified in the authorisation under section 34.

(5) A direction under this section--

- (a) must be given in writing, unless that is not reasonably practicable;
- (b) must specify the area to which it relates;
- (c) may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).

(6) The constable must (unless it is not reasonably practicable) tell the person to whom the direction is given that failing without reasonable excuse to comply with the direction is an offence.

(7) If the constable reasonably believes that the person to whom the direction is given is under the age of 16, the constable may remove the person to a place where the person lives or a place of safety.

(8) Any constable may withdraw or vary a direction under this section; but a variation must not extend the duration of a direction beyond 48 hours from when it was first given.

(9) Notice of a withdrawal or variation of a direction--

- (a) must be given to the person to whom the direction was given, unless that is not reasonably practicable, and
- (b) if given, must be given in writing unless that is not reasonably practicable.

(10) In this section "public place" means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

(11) In this Part "exclusion period" has the meaning given by subsection (1)(b).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/36 Restrictions

36 Restrictions

(1) A constable may not give a direction under section 35 to a person who appears to the constable to be under the age of 10.

(2) A constable may not give a direction under section 35 that prevents the person to whom it is given having access to a place where the person lives.

(3) A constable may not give a direction under section 35 that prevents the person to whom it is given attending at a place which the person is--

(a) required to attend for the purposes of the person's employment, or a contract of services to which the person is a party,

(b) required to attend by an obligation imposed by or under an enactment or by the order of a court or tribunal, or

(c) expected to attend for the purposes of education or training or for the purposes of receiving medical treatment,

at a time when the person is required or expected (as the case may be) to attend there.

(4) A constable may not give a direction to a person under section 35 if the person is one of a group of persons who are--

(a) engaged in conduct that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (peaceful picketing), or

(b) taking part in a public procession of the kind mentioned in subsection (1) of section 11 of the Public Order Act 1986 in respect of which--

(i) written notice has been given in accordance with that section, or

(ii) written notice is not required to be given as provided by subsections (1) and (2) of that section.

(5) In deciding whether to give a direction under section 35 a constable must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

"Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/37 Surrender of property

37 Surrender of property

(1) A constable who gives a person a direction under section 35 may also direct the person to surrender to the constable any item in the person's possession or control that the constable reasonably believes has been used or is likely to be used in behaviour that harasses, alarms or distresses members of the public.

(2) A direction under this section must be given in writing, unless that is not reasonably practicable.

(3) A constable who gives a person a direction under this section must (unless it is not reasonably practicable)--

(a) tell the person that failing without reasonable excuse to comply with the direction is an offence, and

(b) give the person information in writing about when and how the person may recover the surrendered item.

(4) The surrendered item must not be returned to the person before the end of the exclusion period.

(5) If after the end of that period the person asks for the item to be returned, it must be returned (unless there is power to retain it under another enactment).

(6) But if it appears to a constable that the person is under the age of 16 and is not accompanied by a parent or other responsible adult, the item may be retained until the person is so accompanied.

- (7) If the person has not asked for the return of the item before the end of the period of 28 days beginning with the day on which the direction was given, the item may be destroyed or otherwise disposed of.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/38 Record-keeping

38 Record-keeping

- (1) A constable who gives a direction under section 35 must make a record of--
- (a) the individual to whom the direction is given,
 - (b) the time at which the direction is given, and
 - (c) the terms of the direction (including in particular the area to which it relates and the exclusion period).
- (2) A constable who withdraws or varies a direction under section 35 must make a record of--
- (a) the time at which the direction is withdrawn or varied,
 - (b) whether notice of the withdrawal or variation is given to the person to whom the direction was given and if it is, at what time, and
 - (c) if the direction is varied, the terms of the variation.
- (3) A constable who gives a direction under section 37 must make a record of--
- (a) the individual to whom the direction is given,
 - (b) the time at which the direction is given, and
 - (c) the item to which the direction relates.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/39 Offences

39 Offences

- (1) A person given a direction under section 35 who fails without reasonable excuse to comply with it commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction--
 - (a) to imprisonment for a period not exceeding 3 months, or
 - (b) to a fine not exceeding level 4 on the standard scale,
- (3) A person given a direction under section 37 who fails without reasonable excuse to comply with it commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/40 Powers of community support officers

40 Powers of community support officers

(1) Schedule 4 to the Police Reform Act 2002 (powers of community support officers) is amended as follows.

(2) In paragraph 2(6), for paragraph (aa) there is substituted--

"(aa) an offence under section 39 of the Anti-social Behaviour, Crime and Policing Act 2014;"

(3) For paragraph 4A of Schedule 4 there is substituted--

"4A

Where a designation applies this paragraph to a person, that person has within the relevant police area the powers conferred on a constable by section 35 of the Anti-social Behaviour, Crime and Policing Act 2014.

4AB

(1) Where a designation applies this paragraph to a person, that person has within the relevant police area the powers conferred on a constable by section 37 of the Anti-social Behaviour, Crime and Policing Act 2014.

(2) A designation may not apply this paragraph to a person unless a designation also applies paragraph 4A to that person."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/41 Guidance

41 Guidance

(1) The Secretary of State may issue guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Part.

- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 3
Dispersal Powers (ss 34-42)/42 Saving and transitional provision

42 Saving and transitional provision

- (1) The repeal by this Act of Part 4 of the Anti-social Behaviour Act 2003, and the repeal or amendment by this Act of provisions related to that Part, do not apply in relation to--
 - (a) an authorisation given under section 30(2) of that Act before the commencement day, or
 - (b) anything done in connection with such an authorisation.
- (2) The repeal by this Act of section 27 of the Violent Crime Reduction Act 2006, and the repeal or amendment by this Act of provisions related to that section, do not apply in relation to--
 - (a) a direction given under that section before the commencement day, or
 - (b) anything done in connection with such a direction.
- (3) In this section "commencement day" means the day on which this Part comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/43 Power to issue notices

Part 4

Community Protection

Chapter 1

Community Protection Notices

Community protection notices

43 Power to issue notices

(1) An authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that--

- (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- (b) the conduct is unreasonable.

(2) In subsection (1) "authorised person" means a person on whom section 53 (or an enactment amended by that section) confers power to issue community protection notices.

(3) A community protection notice is a notice that imposes any of the following requirements on the individual or body issued with it--

- (a) a requirement to stop doing specified things;
- (b) a requirement to do specified things;
- (c) a requirement to take reasonable steps to achieve specified results.

(4) The only requirements that may be imposed are ones that are reasonable to impose in order--

- (a) to prevent the detrimental effect referred to in subsection (1) from continuing or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance or recurrence.

(5) A person (A) may issue a community protection notice to an individual or body (B) only if--

- (a) B has been given a written warning that the notice will be issued unless B's conduct ceases to have the detrimental effect referred to in subsection (1), and
- (b) A is satisfied that, despite B having had enough time to deal with the matter, B's conduct is still having that effect.

(6) A person issuing a community protection notice must before doing so inform any body or individual the person thinks appropriate.

(7) A community protection notice must--

- (a) identify the conduct referred to in subsection (1);
- (b) explain the effect of sections 46 to 51.

(8) A community protection notice may specify periods within which, or times by which, requirements within subsection (3)(b) or (c) are to be complied with.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/44 Occupiers of premises etc

44 Occupiers of premises etc

(1) Conduct on, or affecting, premises (other than premises within subsection (2)) that a particular person--

- (a) owns,
- (b) leases,
- (c) occupies,
- (d) controls,
- (e) operates, or
- (f) maintains,

is treated for the purposes of section 43 as conduct of that person.

(2) Conduct on, or affecting, premises occupied for the purposes of a government department is treated for the purposes of section 43 as conduct of the Minister in charge of that department.

(3) This section does not treat an individual's conduct as that of another person if that person cannot reasonably be expected to control or affect it.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/45 Occupier or owner unascertainable

45 Occupier or owner unascertainable

(1) This section applies where--

- (a) an authorised person has power to issue a community protection notice,
- (b) the detrimental effect referred to in section 43(1) arises from the condition of premises or the use to which premises have been put, and
- (c) the authorised person has made reasonable enquiries to find out the name or proper address of the occupier of the premises (or, if the premises are unoccupied, the owner) but without success.

(2) The authorised person may--

- (a) post the community protection notice on the premises;
- (b) enter the premises, or other premises, to the extent reasonably necessary for that purpose.

(3) The community protection notice is treated as having been issued to the occupier of the premises (or, if the premises are unoccupied, the owner) at the time the notice is posted.

(4) In this section "authorised person" has the same meaning as in section 43(1).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/46 Appeals against notices

46 Appeals against notices

(1) A person issued with a community protection notice may appeal to a magistrates' court against the notice on any of the following grounds.

- 1 That the conduct specified in the community protection notice--
 - (a) did not take place,
 - (b) has not had a detrimental effect on the quality of life of those in the locality,
 - (c) has not been of a persistent or continuing nature,
 - (d) is not unreasonable, or
 - (e) is conduct that the person cannot reasonably be expected to control or affect.

2 That any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.

3 That there is a material defect or error in, or in connection with, the notice.

4 That the notice was issued to the wrong person.

(2) An appeal must be made within the period of 21 days beginning with the day on which the person is issued with the notice.

(3) While an appeal against a community protection notice is in progress--

- (a) a requirement imposed by the notice to stop doing specified things remains in effect, unless the court orders otherwise, but
- (b) any other requirement imposed by the notice is of no effect.

For this purpose an appeal is "in progress" until it is finally determined or is withdrawn.

(4) A magistrates' court hearing an appeal against a community protection notice must--

- (a) quash the notice,
- (b) modify the notice (for example by extending a period specified in it), or
- (c) dismiss the appeal.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/47 Remedial action by local authority

Failure to comply with notice

47 Remedial action by local authority

(1) Where a person issued with a community protection notice ("the defaulter") fails to comply with a requirement of the notice, the relevant local authority may take action under subsection (2) or subsection (3) (or both).

(2) The relevant local authority may have work carried out to ensure that the failure is remedied, but only on land that is open to the air.

(3) As regards premises other than land open to the air, if the relevant local authority issues the defaulter with a notice--

- (a) specifying work it intends to have carried out to ensure that the failure is remedied,
- (b) specifying the estimated cost of the work, and
- (c) inviting the defaulter to consent to the work being carried out,

the authority may have the work carried out if the necessary consent is given.

(4) In subsection (3) "the necessary consent" means the consent of--

- (a) the defaulter, and
- (b) the owner of the premises on which the work is to be carried out (if that is not the defaulter).

Paragraph (b) does not apply where the relevant authority has made reasonable efforts to contact the owner of the premises but without success.

(5) A person authorised by a local authority to carry out work under this section may enter any premises to the extent reasonably necessary for that purpose, except that a person who is only authorised to carry out work under subsection (2) may only enter land that is open to the air.

(6) If work is carried out under subsection (2) or (3) and the relevant local authority issues a notice to the defaulter--

- (a) giving details of the work that was carried out, and
- (b) specifying an amount that is no more than the cost to the authority of having the work carried out,

the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).

(7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.

(8) A magistrates' court hearing an appeal under subsection (7) must--

- (a) confirm the amount, or
- (b) substitute a lower amount.

(9) In this section "the relevant local authority" means--

- (a) the local authority that issued the community protection notice;
- (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/48 Offence of failing to comply with notice

48 Offence of failing to comply with notice

(1) A person issued with a community protection notice who fails to comply with it commits an offence.

(2) A person guilty of an offence under this section is liable on summary conviction--

- (a) to a fine not exceeding level 4 on the standard scale, in the case of an individual;
- (b) to a fine not exceeding £20,000, in the case of a body.

(3) A person does not commit an offence under this section if--

- (a) the person took all reasonable steps to comply with the notice, or
- (b) there is some other reasonable excuse for the failure to comply with it.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/49 Remedial orders

49 Remedial orders

(1) A court before which a person is convicted of an offence under section 48 in respect of a community protection notice may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.

(2) An order under this section may in particular require the defendant--

- (a) to carry out specified work, or
- (b) to allow specified work to be carried out by or on behalf of a specified local authority.

(3) To be specified under subsection (2)(b) a local authority must be--

- (a) the local authority that issued the community protection notice;
- (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.

(4) A requirement imposed under subsection (2)(b) does not authorise the person carrying out the work to enter the defendant's home without the defendant's consent.

But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

(5) In subsection (4) "the defendant's home" means the house, flat, vehicle or other accommodation where the defendant--

- (a) usually lives, or
- (b) is living at the time when the work is or would be carried out.

(6) If work is carried out under subsection (2)(b) and the local authority specified under that subsection issues a notice to the defaulter--

- (a) giving details of the work that was carried out, and

- (b) specifying an amount that is no more than the cost to the authority of having the work carried out,

the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).

(7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.

(8) A magistrates' court hearing an appeal under subsection (7) must--

- (a) confirm the amount, or
- (b) substitute a lower amount.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/50 Forfeiture of item used in commission of offence

50 Forfeiture of item used in commission of offence

(1) A court before which a person is convicted of an offence under section 48 may order the forfeiture of any item that was used in the commission of the offence.

(2) An order under this section may require a person in possession of the item to hand it over as soon as reasonably practicable--

- (a) to a constable, or
- (b) to a person employed by a local authority or designated by a local authority under section 53(1)(c).

(3) An order under this section may require the item--

- (a) to be destroyed, or
- (b) to be disposed of in whatever way the order specifies.

(4) Where an item ordered to be forfeited under this section is kept by or handed over to a constable, the police force of which the constable is a member must ensure that arrangements are made for its destruction or disposal, either--

- (a) in accordance with the order, or
- (b) if no arrangements are specified in the order, in whatever way seems appropriate to the police force.

(5) Where an item ordered to be forfeited under this section is kept by or handed over to a person within subsection (2)(b), the local authority by whom the person is employed or was designated must ensure that arrangements are made for its destruction or disposal, either--

- (a) in accordance with the order, or
- (b) if no arrangements are specified in the order, in whatever way seems appropriate to the local authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/51 Seizure of item used in commission of offence

51 Seizure of item used in commission of offence

(1) If a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting--

- (a) that an offence under section 48 has been committed, and
- (b) that there is an item used in the commission of the offence on premises specified in the information,

the justice may issue a warrant authorising any constable or designated person to enter the premises within 14 days from the date of issue of the warrant to seize the item.

(2) In this section "designated person" means a person designated by a local authority under section 53(1)(c).

(3) A constable or designated person may use reasonable force, if necessary, in executing a warrant under this section.

- (4) A constable or designated person who has seized an item under a warrant under this section--
- (a) may retain the item until any relevant criminal proceedings have been finally determined, if such proceedings are started before the end of the period of 28 days following the day on which the item was seized;
 - (b) otherwise, must before the end of that period return the item to the person from whom it was seized.
- (5) In subsection (4) "relevant criminal proceedings" means proceedings for an offence under section 48 in the commission of which the item is alleged to have been used.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/52 Fixed penalty notices

52 Fixed penalty notices

- (1) An authorised person may issue a fixed penalty notice to anyone who that person has reason to believe has committed an offence under section 48.
- (2) In subsection (1) "authorised person" means a person on whom section 53 (or an enactment amended by that section) confers power to issue fixed penalty notices under this section.
- (3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (4) The local authority specified under subsection (3) must be--
- (a) the local authority that issued the community protection notice to which the fixed penalty notice relates;
 - (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.
- (5) Where a person is issued with a notice under this section in respect of an offence--
- (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;

(b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(6) A fixed penalty notice must--

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of subsection (5)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(7) An amount specified under subsection (6)(c) must not be more than £100.

(8) A fixed penalty notice may specify two amounts under subsection (6)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.

(9) Whatever other method may be specified under subsection (6)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (6)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(10) Where a letter is sent as mentioned in subsection (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(11) In any proceedings, a certificate that--

- (a) purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
- (b) states that payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(12) In this section "chief finance officer", in relation to a local authority, means the person with responsibility for the authority's financial affairs.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/53 Authorised persons

Who may issue notices

53 Authorised persons

(1) A community protection notice or a fixed penalty notice may be issued by--

- (a) a constable;
- (b) the relevant local authority (see subsections (2) and (3));
- (c) a person designated by the relevant local authority for the purposes of this section.

(2) For a community protection notice, "the relevant local authority" means the local authority (or, as the case may be, any of the local authorities) within whose area the conduct specified in the notice has, according to the notice, been taking place.

(3) For a fixed penalty notice, "the relevant local authority" means the local authority (or, as the case may be, any of the local authorities) within whose area the offence in question is alleged to have taken place.

(4) Only a person of a description specified in an order made by the Secretary of State for the purposes of subsection (1)(c) may be designated under that subsection.

(5) In Part 1 of Schedule 4 to the Police Reform Act 2002 (powers exercisable by community support officers), after paragraph 1ZA there is inserted--

"1ZB Power to issue community protection notices

A person shall have the power of a constable to issue a community protection notice under section 43 of the Anti-social Behaviour, Crime and Policing Act 2014 if--

- (a) a designation applies this paragraph to that person, and
- (b) the conduct specified in the notice has (according to the notice) been taking place within the relevant police area."

(6) In paragraph 1 of that Schedule (power of community support officers to issue fixed penalty notices), after paragraph (ab) of sub-paragraph (2) there is inserted--

"(ac) the power of a constable to issue a fixed penalty notice under section 52 of the Anti-social Behaviour, Crime and Policing Act 2014 (fixed penalty notice in respect of failure to comply with community protection notice);".

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/54 Exemption from liability

Supplemental

54 Exemption from liability

(1) A local authority exercising or purporting to exercise a power under section 47(2) is not liable to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of that power.

(2) A person carrying out work under section 47(2), or a person by or on whose behalf work is carried out under section 49(2)(b), is not liable to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in carrying out that work.

(3) Subsections (1) and (2) do not apply--

- (a) to an act or omission shown to have been in bad faith, or
- (b) to liability arising out of a failure to exercise due care and attention.

(4) Subsections (1) and (2) do not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

(5) This section does not affect any other exemption from liability (whether at common law or otherwise).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/55 Issuing of notices

55 Issuing of notices

- (1) A notice under this Chapter may be issued to a person by--
 - (a) handing it to the person,
 - (b) leaving it at the person's proper address, or
 - (c) sending it by post to the person at that address.
- (2) A notice under this Chapter to a body corporate may be issued to the secretary or clerk of that body.
- (3) A notice under this Chapter to a partnership may be issued to a partner or a person who has the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is the person's last known address, except that--
 - (a) in the case of a body corporate or its secretary or clerk, it is the address of the body's registered or principal office;
 - (b) in the case of a partnership or person having the control or the management of the partnership business, it is the principal office of the partnership.
- (5) For the purposes of subsection (4) the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.
- (6) If a person has specified an address in the United Kingdom, other than the person's proper address within the meaning of subsection (4), as the one at which the person or someone on the person's behalf will accept notices of the same description as a notice under this Chapter, that address is also treated for the purposes of this section and section 7 of the Interpretation Act 1978 as the person's proper address.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/56 Guidance

56 Guidance

- (1) The Secretary of State may issue--
 - (a) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Chapter;
 - (b) guidance to local authorities about the exercise of their functions under this Chapter and those of persons designated under section 53(1)(c).
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/57 Interpretation of Chapter 1

57 Interpretation of Chapter 1

In this Chapter--

"conduct" includes a failure to act;

"local authority" means--

- (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;

"owner", in relation to premises, means--

- (a) a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the premises, whether in possession or in reversion;
- (b) a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of not less than 3 years;

"premises" includes any land.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/58 Saving and transitional provision

58 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the notices specified in subsection (2) does not apply in relation to--
 - (a) a notice specified in that subsection served before the commencement day;
 - (b) anything done in connection with such a notice.
- (2) The notices are--
 - (a) a litter abatement notice under section 92 of the Environmental Protection Act 1990;
 - (b) a litter clearing notice under section 92A of that Act;
 - (c) a street litter control notice under section 93 of that Act;
 - (d) a defacement removal notice under section 48 of the Anti-social Behaviour Act 2003.
- (3) A community protection notice that contains no requirement that could not have been contained in one of the notices specified in subsection (2) may be issued in respect of conduct before the commencement day.
- (4) Subsection (3) applies only during the period of 3 months beginning with the commencement day.
- (5) In this section "commencement day" means the day on which this Chapter comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/59 Power to make orders

Chapter 2 Public Spaces Protection Orders

Public spaces protection orders

59 Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that--
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities--
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and--
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order--

- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed--
- (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
 - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
 - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (7) A public spaces protection order must--
- (a) identify the activities referred to in subsection (2);
 - (b) explain the effect of section 63 (where it applies) and section 67;
 - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/60 Duration of orders

60 Duration of orders

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent--

- (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section--
- (a) may not be for a period of more than 3 years;
 - (b) must be published in accordance with regulations made by the Secretary of State.
- (4) A public spaces protection order may be extended under this section more than once.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/61 Variation and discharge of orders

61 Variation and discharge of orders

- (1) Where a public spaces protection order is in force, the local authority that made the order may vary it--
- (a) by increasing or reducing the restricted area;
 - (b) by altering or removing a prohibition or requirement included in the order, or adding a new one.
- (2) A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (4) A public spaces protection order may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/62 Premises etc to which alcohol prohibition does not apply

Prohibition on consuming alcohol

62 Premises etc to which alcohol prohibition does not apply

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to--
 - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises--
 - (a) when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section--

"club premises certificate" has the meaning given by section 60 of the Licensing Act 2003;

"premises licence" has the meaning given by section 11 of that Act;

"supply of alcohol" has the meaning given by section 14 of that Act.

- (4) For the purposes of this section, premises are "council-operated licensed premises" if they are authorised by a premises licence to be used for the supply of alcohol and--
- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
 - (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/63 Consumption of alcohol in breach of prohibition in order

63 Consumption of alcohol in breach of prohibition in order

- (1) This section applies where a constable or an authorised person reasonably believes that a person (P)--
- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section "authorised person" means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

- (2) The constable or authorised person may require P--
- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
 - (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
- (3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

- (4) A requirement imposed by an authorised person under subsection (2) is not valid if the person--
- (a) is asked by P to show evidence of his or her authorisation, and
 - (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/64 Orders restricting public right of way over highway

Restrictions on public rights of way

64 Orders restricting public right of way over highway

(1) A local authority may not make a public spaces protection order that restricts the public right of way over a highway without considering--

- (a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
- (b) the likely effect of making the order on other persons in the locality;
- (c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

(2) Before making such an order a local authority must--

- (a) notify potentially affected persons of the proposed order,
- (b) inform those persons how they can see a copy of the proposed order,
- (c) notify those persons of the period within which they may make representations about the proposed order, and

- (d) consider any representations made.

In this subsection "potentially affected persons" means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

(3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.

(4) A public spaces protection order may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.

(5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.

(6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.

(7) A public spaces protection order that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.

(8) A local authority may install, operate and maintain barriers authorised under subsection (7).

(9) A highway over which the public right of way is restricted by a public spaces protection order does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).

(10) In this section--

"dwelling" means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;

"highway" has the meaning given by section 328 of the Highways Act 1980.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/65 Categories of highway over which public right of way may not be restricted

65 Categories of highway over which public right of way may not be restricted

- (1) A public spaces protection order may not restrict the public right of way over a highway that is--
- (a) a special road;
 - (b) a trunk road;
 - (c) a classified or principal road;
 - (d) a strategic road;
 - (e) a highway in England of a description prescribed by regulations made by the Secretary of State;
 - (f) a highway in Wales of a description prescribed by regulations made by the Welsh Ministers.

- (2) In this section--

"classified road", "special road" and "trunk road" have the meaning given by section 329(1) of the Highways Act 1980;

"highway" has the meaning given by section 328 of that Act;

"principal road" has the meaning given by section 12 of that Act (and see section 13 of that Act);

"strategic road" has the meaning given by section 60(4) of the Traffic Management Act 2004.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/66 Challenging the validity of orders

Validity of orders

66 Challenging the validity of orders

- (1) An interested person may apply to the High Court to question the validity of--
- (a) a public spaces protection order, or
 - (b) a variation of a public spaces protection order.

"Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

- (2) The grounds on which an application under this section may be made are--
- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.
- (5) If on an application under this section the High Court is satisfied that--
- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
 - (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,
- the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)--
- (a) generally, or
 - (b) so far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except--
- (a) under this section, or
 - (b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/67 Offence of failing to comply with order

Failure to comply with orders

67 Offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse--
- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/68 Fixed penalty notices

68 Fixed penalty notices

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

(3) The local authority specified under subsection (2) must be the one that made the public spaces protection order.

(4) Where a person is issued with a notice under this section in respect of an offence--

- (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must--

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) An amount specified under subsection (5)(c) must not be more than £100.

(7) A fixed penalty notice may specify two amounts under subsection (5)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.

(8) Whatever other method may be specified under subsection (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(9) Where a letter is sent as mentioned in subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(10) In any proceedings, a certificate that--

- (a) purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
- (b) states that payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(11) In this section--

"authorised person" means a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2));

"chief finance officer", in relation to a local authority, means the person with responsibility for the authority's financial affairs.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/69 Powers of community support officers

Supplemental

69 Powers of community support officers

(1) In Part 1 of Schedule 4 to the Police Reform Act 2002 (powers exercisable by community support officers), for paragraph 5 there is substituted--

"5 Alcohol consumption in restricted areas

Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 (consumption of alcohol in breach of prohibition in public spaces protection order)--

- (a) to impose a requirement under subsection (2) of that section; and
- (b) to dispose under subsection (5) of that section of anything surrendered to the person;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable were references to that person."

(2) In paragraph 1 of that Schedule (power of community support officers to issue fixed penalty notices), after paragraph (e) of sub-paragraph (2) there is inserted--

"(f) the power of a constable to issue a fixed penalty notice under section 68 of the Anti-social Behaviour, Crime and Policing Act 2014 (fixed penalty notice in respect of failure to comply with public spaces protection order)."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/70 Byelaws

70 Byelaws

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area during the currency of the order.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/71 Bodies other than local authorities with statutory functions in relation to land

71 Bodies other than local authorities with statutory functions in relation to land

(1) The Secretary of State may by order--

- (a) designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
- (b) specify land in England to which the power relates.

(2) This Chapter has effect as if--

- (a) a person or body designated under subsection (1) (a "designated person") were a local authority, and
- (b) land specified under that subsection were within its area.

But references in the rest of this section to a local authority are to a local authority that is not a designated person.

(3) The only prohibitions or requirements that may be imposed in a public spaces protection order made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.

(4) A public spaces protection order made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order made by a local authority.

(5) Where a public spaces protection order made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order made by a designated person already regulates, the order made by the designated person ceases to have that effect.

(6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated--

(a) no part of the land may form, or fall within, the restricted area of any public spaces protection order made by the local authority;

(b) if any part of the land--

(i) forms the restricted area of a public spaces protection order already made by the local authority, or

(ii) falls within such an area,

the order has ceases to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/72 Convention rights, consultation, publicity and notification

72 Convention rights, consultation, publicity and notification

(1) A local authority, in deciding--

- (a) whether to make a public spaces protection order (under section 59) and if so what it should include,
- (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
- (c) whether to vary a public spaces protection order (under section 61) and if so how, or
- (d) whether to discharge a public spaces protection order (under section 61),

must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

(2) In subsection (1) "Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.

(3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before--

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) varying or discharging a public spaces protection order.

(4) In subsection (3)--

"the necessary consultation" means consulting with--

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

"the necessary publicity" means--

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

"the necessary notification" means notifying the following authorities of the proposed order, extension, variation or discharge--

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area--

- (a) does not apply to land that is owned and occupied by the local authority;
- (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/73 Guidance

73 Guidance

(1) The Secretary of State may issue--

(a) guidance to local authorities about the exercise of their functions under this Chapter and those of persons authorised by local authorities under section 63 or 68;

(b) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Part.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/74 Interpretation of Chapter 2

74 Interpretation of Chapter 2

(1) In this Chapter--

"alcohol" has the meaning given by section 191 of the Licensing Act 2003;

"community representative", in relation to a public spaces protection order that a local authority proposes to make or has made, means any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area;

"local authority" means--

(a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London (in its capacity as a local authority) or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council or a county borough council;

"public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

"restricted area" has the meaning given by section 59(4).

(2) For the purposes of this Chapter, a public spaces protection order "regulates" an activity if the activity is--

(a) prohibited by virtue of section 59(4)(a), or

(b) subjected to requirements by virtue of section 59(4)(b),

whether or not for all persons and at all times.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/75 Saving and transitional provision

75 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the orders specified in subsection (2) does not apply in relation to--
- (a) an order specified in that subsection made before the commencement day;
 - (b) anything done in connection with such an order.
- (2) The orders are--
- (a) a gating order under Part 8A of the Highways Act 1980;
 - (b) an order under section 13(2) of the Criminal Justice and Police Act 2001 (power of local authority to designate public place for restrictions on alcohol consumption);
 - (c) a dog control order under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005.
- (3) At the end of the period of 3 years beginning with the commencement day--
- (a) this Chapter has effect in relation to any order specified in subsection (2) that is still in force as if the provisions of the order were provisions of a public spaces protection order;
 - (b) subsection (1) ceases to have effect.

This Part, as it applies by virtue of paragraph (a), has effect with any necessary modifications (and with any modifications specified in an order under section 185(7)).

- (4) In this section "commencement day" means the day on which this Chapter comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014
Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/76 Power to issue closure notices

Chapter 3

Closure of Premises Associated with Nuisance or Disorder etc

Closure notices

76 Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds--

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice. For the maximum period, see section 77.

(3) A closure notice may prohibit access--

- (a) by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by--

- (a) people who habitually live on the premises, or
- (b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

(5) A closure notice must--

- (a) identify the premises;
- (b) explain the effect of the notice;
- (c) state that failure to comply with the notice is an offence;
- (d) state that an application will be made under section 80 for a closure order;
- (e) specify when and where the application will be heard;
- (f) explain the effect of a closure order;
- (g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

(6) A closure notice may be issued only if reasonable efforts have been made to inform--

- (a) people who live on the premises (whether habitually or not), and
- (b) any person who has control of or responsibility for the premises or who has an interest in them,

that the notice is going to be issued.

(7) Before issuing a closure notice the police officer or local authority must ensure that any body or individual the officer or authority thinks appropriate has been consulted.

(8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/77 Duration of closure notices

77 Duration of closure notices

(1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.

(2) The maximum period is 48 hours--

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.

(3) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.

(4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours--

(a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection.

(5) An extension notice is a notice which--

(a) identifies the closure notice to which it relates, and

(b) specifies the period of the extension.

(6) In this section "chief executive officer", in relation to a local authority, means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/78 Cancellation or variation of closure notices

78 Cancellation or variation of closure notices

(1) This section applies where a closure notice is in force and the relevant officer or authority is no longer satisfied as mentioned in section 76(1), either--

- (a) as regards the premises as a whole, or
- (b) as regards a particular part of the premises.

(2) In a case within subsection (1)(a) the relevant officer or authority must issue a cancellation notice.
A cancellation notice is a notice cancelling the closure notice.

(3) In a case within subsection (1)(b) the relevant officer or authority must issue a variation notice.
A variation notice is a notice varying the closure notice so that it does not apply to the part of the premises referred to in subsection (1)(b).

(4) A cancellation notice or a variation notice that relates to a closure notice which was--

- (a) issued by a local authority, and
- (b) signed as mentioned in section 77(2)(b),

must be signed by the person who signed the closure notice (or, if that person is not available, by another person who could have signed as mentioned in section 77(2)(b)).

(5) A cancellation notice or a variation notice that relates to a closure notice which was--

- (a) issued by a local authority, and
- (b) extended under section 77(4)(b),

must be signed by the person who signed the extension notice (or, if that person is not available, by another person who could have signed the extension notice).

(6) In this section "the relevant officer or authority" means--

- (a) in the case of a closure notice issued by a police officer and not extended under section 77(4)(a), that officer (or, if that officer is not available, another officer of the same or higher rank);
- (b) in the case of a closure notice issued by a police officer and extended under section 77(4)(a), the officer who issued the extension notice (or, if that officer is not available, another officer of the same or higher rank);
- (c) in the case of a closure notice issued by a local authority, that authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/79 Service of notices

79 Service of notices

(1) A closure notice, an extension notice, a cancellation notice or a variation notice must be served by--

- (a) a constable, in the case of a notice issued by a police officer;
- (b) a representative of the authority that issued the notice, in the case of a notice issued by a local authority.

(2) The constable or local authority representative must if possible--

- (a) fix a copy of the notice to at least one prominent place on the premises,
- (b) fix a copy of the notice to each normal means of access to the premises,
- (c) fix a copy of the notice to any outbuildings that appear to the constable or representative to be used with or as part of the premises,
- (d) give a copy of the notice to at least one person who appears to the constable or representative to have control of or responsibility for the premises, and

- (e) give a copy of the notice to the people who live on the premises and to any person who does not live there but was informed (under section 76(6)) that the notice was going to be issued.
- (3) If the constable or local authority representative reasonably believes, at the time of serving the notice, that there are persons occupying another part of the building or other structure in which the premises are situated whose access to that part will be impeded if a closure order is made under section 80, the constable or representative must also if possible serve the notice on those persons.
- (4) The constable or local authority representative may enter any premises, using reasonable force if necessary, for the purposes of complying with subsection (2)(a).
- (5) In this section "representative", in relation to a local authority, means--
 - (a) an employee of the authority, or
 - (b) a person, or employee or a person, acting on behalf of the authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/80 Power of court to make closure orders

Closure orders

80 Power of court to make closure orders

- (1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).
- (2) An application for a closure order must be made--
 - (a) by a constable, if the closure notice was issued by a police officer;
 - (b) by the authority that issued the closure notice, if the notice was issued by a local authority.
- (3) The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.
- (4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (5) The court may make a closure order if it is satisfied--

- (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
- (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

(6) A closure order is an order prohibiting access to the premises for a period specified in the order. The period may not exceed 3 months.

(7) A closure order may prohibit access--

- (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(8) A closure order--

- (a) may be made in respect of the whole or any part of the premises;
- (b) may include provision about access to a part of the building or structure of which the premises form part.

(9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/81 Temporary orders

81 Temporary orders

(1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.

(2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than 48 hours, if satisfied--

- (a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable--

- (a) the occupier of the premises,
- (b) the person with control of or responsibility for the premises, or
- (c) any other person with an interest in the premises,

to show why a closure order should not be made.

(4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/82 Extension of closure orders

82 Extension of closure orders

(1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for an extension (or further extension) of the period for which the order is in force.

(2) Those entitled to make an application under this section are--

(a) where the closure order was made on the application of a constable, a police officer of at least the rank of inspector;

(b) where the closure order was made on the application of a local authority, that authority.

(3) A police officer or local authority may make an application under this section only if satisfied on reasonable grounds that it is necessary for the period of the order to be extended to prevent the occurrence, recurrence or continuance of--

(a) disorderly, offensive or criminal behaviour on the premises,

(b) serious nuisance to members of the public resulting from the use of the premises, or

(c) disorder near the premises associated with the use of the premises,

and also satisfied that the appropriate consultee has been consulted about the intention to make the application.

(4) In subsection (3) "the appropriate consultee" means--

(a) the local authority, in the case of an application by a police officer;

(b) the chief officer of police for the area in which the premises are situated, in the case of an application by a local authority.

(5) Where an application is made under this section, the justice of the peace may issue a summons directed to--

(a) any person on whom the closure notice was served under section 79, or

(b) any other person who appears to the justice to have an interest in the premises but on whom the closure notice was not served,

requiring the person to appear before the magistrates' court to respond to the application.

(6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on the persons to whom the summons is directed.

(7) If the magistrates' court is satisfied as mentioned in subsection (3)(a), (b) or (c), it may make an order extending (or further extending) the period of the closure order by a period not exceeding 3 months.

(8) The period of a closure order may not be extended so that the order lasts for more than 6 months.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/83 Discharge of closure orders

83 Discharge of closure orders

(1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for the order to be discharged.

(2) Those entitled to make an application under this section are--

- (a) a constable, where the closure order was made on the application of a constable;
- (b) the authority that applied for the closure order, where the order was made on the application of a local authority;
- (c) a person on whom the closure notice was served under section 79;
- (d) anyone else who has an interest in the premises but on whom the closure notice was not served.

(3) Where a person other than a constable makes an application under this section for the discharge of an order that was made on the application of a constable, the justice may issue a summons directed to a constable considered appropriate by the justice requiring him or her to appear before the magistrates' court to respond to the application.

(4) If a summons is issued under subsection (3), a notice stating the date, time and place of the hearing of the application must be served on--

- (a) the constable to whom the summons is directed;
- (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).

(5) Where--

- (a) the order in question was made on the application of a local authority, and
- (b) a person other than that authority makes an application under this section for the discharge of the order,

the justice may issue a summons directed to that authority requiring it to appear before the magistrates' court to respond to the application.

(6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on--

- (a) the authority mentioned in that subsection;
- (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).

(7) The magistrates' court may not make an order discharging the closure order unless satisfied that the closure order is no longer necessary to prevent the occurrence, recurrence or continuance of--

- (a) disorderly, offensive or criminal behaviour on the premises,
- (b) serious nuisance to members of the public resulting from the use of the premises, or
- (c) disorder near the premises associated with the use of the premises.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/84 Appeals

Appeals

84 Appeals

- (1) An appeal against a decision to make or extend a closure order may be made by--
 - (a) a person on whom the closure notice was served under section 79;
 - (b) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (2) A constable may appeal against--
 - (a) a decision not to make a closure order applied for by a constable;
 - (b) a decision not to extend a closure order made on the application of a constable;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by a constable.
- (3) A local authority may appeal against--
 - (a) a decision not to make a closure order applied for by that authority;
 - (b) a decision not to extend a closure order made on the application of that authority;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by that authority.
- (4) An appeal under this section is to the Crown Court.
- (5) An appeal under this section must be made within the period of 21 days beginning with the date of the decision to which it relates.
- (6) On an appeal under this section the Crown Court may make whatever order it thinks appropriate.

(7) The Crown Court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/85 Enforcement of closure orders

Enforcement

85 Enforcement of closure orders

(1) An authorised person may--

- (a) enter premises in respect of which a closure order is in force;
- (b) do anything necessary to secure the premises against entry.

(2) In this section "authorised person"--

- (a) in relation to a closure order made on the application of a constable, means a constable or a person authorised by the chief officer of police for the area in which the premises are situated;
- (b) in relation to a closure order made on the application of a local authority, means a person authorised by that authority.

(3) A person acting under subsection (1) may use reasonable force.

(4) A person seeking to enter premises under subsection (1) must, if required to do so by or on behalf of the owner, occupier or other person in charge of the premises, produce evidence of his or her identity and authority before entering the premises.

(5) An authorised person may also enter premises in respect of which a closure order is in force to carry out essential maintenance or repairs to the premises.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/86 Offences

86 Offences

- (1) A person who without reasonable excuse remains on or enters premises in contravention of a closure notice (including a notice continued in force under section 81) commits an offence.
- (2) A person who without reasonable excuse remains on or enters premises in contravention of a closure order commits an offence.
- (3) A person who without reasonable excuse obstructs a person acting under section 79 or 85(1) commits an offence.
- (4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction--
 - (a) to imprisonment for a period not exceeding 3 months, or
 - (b) to a fine,
 or to both.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction--
 - (a) to imprisonment for a period not exceeding 51 weeks, or
 - (b) to a fine,
 or to both.
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to 6 months.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/87 Access to other premises

Supplemental

87 Access to other premises

(1) Where--

- (a) access to premises is prohibited or restricted by, or as a result of, an order under section 80, 81, 82 or 84,
- (b) those premises are part of a building or structure, and
- (c) there is another part of that building or structure that is not subject to the prohibition or restriction,

an occupier or owner of that other part may apply to the appropriate court for an order under this section.

(2) The appropriate court is--

- (a) the magistrates' court, in the case of an order under section 80, 81 or 82;
- (b) the Crown Court, in the case of an order under section 84.

(3) Notice of an application under this section must be given to--

- (a) whatever constable the court thinks appropriate;
- (b) the local authority;
- (c) a person on whom the closure notice was served under section 79;
- (d) anyone else who has an interest in the premises but on whom the closure notice was not served.

(4) On an application under this section the court may make whatever order it thinks appropriate in relation to access to any part of the building or structure mentioned in subsection (1).

It does not matter whether provision has been made under section 80(8)(b).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/88 Reimbursement of costs

88 Reimbursement of costs

(1) A local policing body or a local authority that incurs expenditure for the purpose of clearing, securing or maintaining premises in respect of which a closure order is in force may apply to the court that made the order for an order under this section.

(2) On an application under this section the court may make whatever order it thinks appropriate for the reimbursement (in full or in part) by the owner or occupier of the premises of the expenditure mentioned in subsection (1).

(3) An application for an order under this section may not be heard unless it is made before the end of the period of 3 months starting with the day on which the closure order ceases to have effect.

(4) An order under this section may be made only against a person who has been served with the application for the order.

(5) An application under this section must also be served on--

(a) the local policing body for the area in which the premises are situated, if the application is made by a local authority;

(b) the local authority, if the application is made by a local policing body.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/89 Exemption from liability

89 Exemption from liability

(1) A police officer, or the chief officer of police under whose direction or control he or she acts, is not liable for damages in proceedings for--

- (a) judicial review, or
- (b) the tort of negligence or misfeasance in public office,

arising out of anything done or omitted to be done by the police officer in the exercise or purported exercise of a power under this Chapter.

(2) A local authority is not liable for damages in proceedings for--

- (a) judicial review, or
- (b) the tort of negligence or misfeasance in public office,

arising out of anything done or omitted to be done by the authority in the exercise or purported exercise of a power under this Chapter.

(3) Subsections (1) and (2) do not apply to an act or omission shown to have been in bad faith.

(4) Subsections (1) and (2) do not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

(5) This section does not affect any other exemption from liability (whether at common law or otherwise).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/90 Compensation

90 Compensation

(1) A person who claims to have incurred financial loss in consequence of a closure notice or a closure order may apply to the appropriate court for compensation.

(2) The appropriate court is--

- (a) the magistrates' court that considered the application for a closure order (except where paragraph (b) applies);
 - (b) the Crown Court, in the case of a closure order that was made or extended by an order of that Court on an appeal under section 84.
- (3) An application under this section may not be heard unless it is made before the end of the period of 3 months starting with whichever of the following is applicable--
- (a) the day on which the closure notice was cancelled under section 78;
 - (b) the day on which a closure order was refused;
 - (c) the day on which the closure order ceased to have effect.
- (4) For the purposes of subsection (3)(b) the day on which a closure order was refused is--
- (a) the day on which the magistrates' court decided not to make a closure order (except where paragraph (b) applies);
 - (b) the day on which the Crown Court dismissed an appeal against a decision not to make a closure order.
- (5) On an application under this section the court may order the payment of compensation out of central funds if it is satisfied--
- (a) that the applicant is not associated with the use of the premises, or the behaviour on the premises, on the basis of which the closure notice was issued or the closure order made,
 - (b) if the applicant is the owner or occupier of the premises, that the applicant took reasonable steps to prevent that use or behaviour,
 - (c) that the applicant has incurred financial loss in consequence of the notice or order, and
 - (d) that having regard to all the circumstances it is appropriate to order payment of compensation in respect of that loss.
- (6) In this section "central funds" has the same meaning as in enactments providing for the payment of costs.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/91 Guidance

91 Guidance

- (1) The Secretary of State may issue--
 - (a) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Chapter;
 - (b) guidance to local authorities about the exercise of their functions under this Chapter and those of their representatives (within the meaning of section 79).
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/92 Interpretation of Chapter 3

92 Interpretation of Chapter 3

- (1) In this Chapter--
 - "cancellation notice" has the meaning given by section 78(2);
 - "criminal behaviour" means behaviour that constitutes a criminal offence;
 - "extension notice" has the meaning given by section 77(5);
 - "local authority" means--
 - (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;

"offensive behaviour" means behaviour by a person that causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as that person;

"owner", in relation to premises, means--

- (a) a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the premises, whether in possession or in reversion;
- (b) a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of not less than 3 years;

"premises" includes--

- (a) any land or other place (whether enclosed or not);
- (b) any outbuildings that are, or are used as, part of premises;

"premises licence" has the meaning given by section 11 of the Licensing Act 2003;

"relevant licensing authority" has the meaning given by section 12 of that Act;

"variation notice" has the meaning given by section 78(3).

(2) A reference in this Chapter to "the local authority", in relation to any premises or a notice or order relating to any premises, is a reference to the local authority (or, as the case may be, any of the local authorities) within whose area the premises are situated.

(3) A reference in this Chapter to "the premises", in relation to a closure notice or a closure order, is a reference to the premises to which the notice or order relates.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/93 Saving and transitional provision

93 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the notices specified in subsection (2) or orders specified in subsection (3) does not apply in relation to--

- (a) any such notice issued or order made before the commencement day;
 - (b) anything done in connection with any such notice or order.
- (2) The notices are--
- (a) a notice issued under section 1 of the Anti-social Behaviour Act 2003;
 - (b) a notice issued under section 11A of that Act.
- (3) The orders are--
- (a) an order made under section 2 of the Anti-social Behaviour Act 2003;
 - (b) an order made under section 11B of that Act;
 - (c) an order made under section 40 of that Act;
 - (d) an order made under section 161 of the Licensing Act 2003;
 - (e) an order made under section 165(2)(b), (c) or (d) of that Act.
- (4) A person deciding whether to issue a closure notice may take into account things that--
- (a) happened before the commencement day, and
 - (b) would have given rise to the power to issue one of the notices specified in subsection (2) or to make an order specified in subsection (3)(c) or (d).
- (5) A court deciding whether to make a closure order may take into account things that--
- (a) happened before the commencement day, and
 - (b) would have given rise to the power to make an order specified in subsection (3)(a), (b) or (e).
- (6) Subsections (4) and (5) apply only during the period of 3 months beginning with the commencement day.
- (7) In this section "commencement day" means the day on which this Chapter comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/94 New ground for serious offences or breach of prohibitions etc

Part 5

Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds

Absolute ground for possession: secure tenancies

94 New ground for serious offences or breach of prohibitions etc

(1) After section 84 of the Housing Act 1985 (secure tenancies: grounds and orders for possession) there is inserted--

"84A Absolute ground for possession for anti-social behaviour

(1) If the court is satisfied that any of the following conditions is met, it must make an order for the possession of a dwelling-house let under a secure tenancy.

This is subject to subsection (2) (and to any available defence based on the tenant's Convention rights, within the meaning of the Human Rights Act 1998).

(2) Subsection (1) applies only where the landlord has complied with any obligations it has under section 85ZA (review of decision to seek possession).

(3) Condition 1 is that--

(a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and

(b) the serious offence--

(i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,

(ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

(iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

(4) Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and--

(a) the breach occurred in, or in the locality of, the dwelling-house, or

(b) the breach occurred elsewhere and the provision breached was a provision intended to prevent--

(i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

(ii) conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of

the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

(5) Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved--

- (a) a breach that occurred in, or in the locality of, the dwelling-house, or
- (b) a breach that occurred elsewhere of a provision intended to prevent--
 - (i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

(6) Condition 4 is that--

- (a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and
- (b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

(7) Condition 5 is that--

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under--
 - (i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or
 - (ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc), and
- (b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

(8) Condition 1, 2, 3, 4 or 5 is not met if--

- (a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or
- (b) the final determination of the appeal results in the conviction, finding or order being overturned.

(9) In this section--

"relevant proceedings" means proceedings for contempt of court or proceedings under Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014;

"serious offence" means an offence which--

- (a) was committed on or after the day on which subsection (3) comes into force,

(b) is specified, or falls within a description specified, in Schedule 2A at the time the offence was committed and at the time the court is considering the matter, and

(c) is not an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either-way offences where value involved is small).

(10) The Secretary of State may by order amend Schedule 2A as it applies in relation to dwelling-houses in England by--

- (a) adding an indictable offence;
- (b) removing an offence.

(11) The Welsh Ministers may by order amend Schedule 2A as it applies in relation to dwelling-houses in Wales by--

- (a) adding an indictable offence;
- (b) removing an offence.

(12) An order under subsection (10) or (11)--

- (a) is to be made by statutory instrument;
- (b) may make different provision for different purposes;
- (c) may include incidental, supplementary, consequential, transitional or saving provision.

(13) A statutory instrument containing an order under subsection (10) or (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of--

- (a) each House of Parliament (in the case of an order of the Secretary of State), or
- (b) the National Assembly for Wales (in the case of an order of the Welsh Ministers)."

(2) After Schedule 2 to that Act there is inserted the Schedule set out in Schedule 3 to this Act.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(a).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/95 Notice
requirements for new ground

95 Notice requirements for new ground

After section 83 of the Housing Act 1985 (proceedings for possession or termination: notice requirements) there is inserted--

"83ZA Notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour

- (1) This section applies in relation to proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2.
- (2) The court must not entertain the proceedings unless the landlord has served on the tenant a notice under this section.
- (3) The notice must--
 - (a) state that the court will be asked to make an order under section 84A for the possession of the dwelling-house,
 - (b) set out the reasons for the landlord's decision to apply for the order (including the condition or conditions in section 84A on which the landlord proposes to rely), and
 - (c) inform the tenant of any right that the tenant may have under section 85ZA to request a review of the landlord's decision and of the time within which the request must be made.
- (4) In a case where possession is also sought on one or more of the grounds set out in Schedule 2, the notice must also--
 - (a) specify the ground on which the court will be asked to make the order, and
 - (b) give particulars of that ground.
- (5) A notice which states that the landlord proposes to rely upon condition 1, 3 or 5 in section 84A--
 - (a) must also state the conviction on which the landlord proposes to rely, and
 - (b) must be served on the tenant within--
 - (i) the period of 12 months beginning with the day of the conviction, or
 - (ii) if there is an appeal against the conviction, the period of 12 months beginning with the day on which the appeal is finally determined or abandoned.
- (6) A notice which states that the landlord proposes to rely upon condition 2 in section 84A--
 - (a) must also state the finding on which the landlord proposes to rely, and
 - (b) must be served on the tenant within--
 - (i) the period of 12 months beginning with the day on which the court has made the finding, or
 - (ii) if there is an appeal against the finding, the period of 12 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.

- (7) A notice which states that the landlord proposes to rely upon condition 4 in section 84A--
- (a) must also state the closure order concerned, and
 - (b) must be served on the tenant within--
 - (i) the period of 3 months beginning with the day on which the closure order was made, or
 - (ii) if there is an appeal against the making of the order, the period of 3 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.
- (8) A notice under this section must also inform the tenant that, if the tenant needs help or advice about the notice and what to do about it, the tenant should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.
- (9) The notice--
- (a) must also specify the date after which proceedings for the possession of the dwelling-house may be begun, and
 - (b) ceases to be in force 12 months after the date so specified.
- (10) The date specified in accordance with subsection (9)(a) must not be earlier than--
- (a) in the case of a periodic tenancy, the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same day as the notice under this section;
 - (b) in the case of a secure tenancy for a term certain, one month after the date of the service of the notice.
- (11) Where a notice under this section is served with respect to a secure tenancy for a term certain, it has effect also with respect to any periodic tenancy arising on the termination of that tenancy by virtue of section 86; and subsection (10)(a) does not apply to the notice."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(a).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/96 Review
requirements for new ground

96 Review requirements for new ground

After section 85 of the Housing Act 1985 (extended discretion of court in certain proceedings for possession) there is inserted--

"85ZA Review of decision to seek possession on absolute ground for anti-social behaviour

- (1) A tenant may request a review of a landlord's decision to seek an order for possession of a dwelling-house under section 84A if the interest of the landlord belongs to--
 - (a) a local housing authority, or
 - (b) a housing action trust.
- (2) Such a request must be made in writing before the end of the period of 7 days beginning with the day on which the notice under section 83ZA is served.
- (3) On a request being duly made to it, the landlord must review its decision.
- (4) The landlord must notify the tenant in writing of the decision on the review.
- (5) If the decision is to confirm the original decision, the landlord must also notify the tenant of the reasons for the decision.
- (6) The review must be carried out, and the tenant notified, before the day specified in the notice under section 83ZA as the day after which proceedings for the possession of the dwelling-house may be begun.
- (7) The Secretary of State may by regulations make provision about the procedure to be followed in connection with a review under this section that relates to an order for possession of a dwelling-house in England.
- (8) The Welsh Ministers may by regulations make provision about the procedure to be followed in connection with a review under this section that relates to an order for possession of a dwelling-house in Wales.
- (9) Regulations under subsections (7) and (8) may, in particular, make provision--
 - (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
 - (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom the person may be represented at such a hearing.
- (10) Regulations under this section--
 - (a) may contain transitional or saving provision;
 - (b) are to be made by statutory instrument which--
 - (i) in the case of regulations made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (ii) in the case of regulations made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(a).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/97 Corresponding
new ground and notice requirements for assured tenancies

Absolute ground for possession: assured tenancies

97 Corresponding new ground and notice requirements for assured tenancies

(1) In Part 1 of Schedule 2 to the Housing Act 1988 (assured tenancies: grounds on which court must order possession), after ground 7 there is inserted--

"Ground 7A

Any of the following conditions is met.

Condition 1 is that--

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and
- (b) the serious offence--
 - (i) was committed (wholly or partly) in, or in the locality of, the dwelling-house,
 - (ii) was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

Condition 2 is that a court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and--

- (a) the breach occurred in, or in the locality of, the dwelling-house, or
- (b) the breach occurred elsewhere and the provision breached was a provision intended to prevent--
 - (i) conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

- (ii) conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 3 is that the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved--

- (a) a breach that occurred in, or in the locality of, the dwelling-house, or
- (b) a breach that occurred elsewhere of a provision intended to prevent--
 - (i) behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 - (ii) behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 4 is that--

- (a) the dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and
- (b) access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5 is that--

- (a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under--
 - (i) section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or
 - (ii) section 82(8) of that Act (breach of court order to abate statutory nuisance etc), and
- (b) the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if--

- (a) there is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or
- (b) the final determination of the appeal results in the conviction, finding or order being overturned.

In this ground--

"relevant proceedings" means proceedings for contempt of court or proceedings under Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014;

"serious offence" means an offence which--

- (a) was committed on or after the day on which this ground comes into force,
- (b) is specified, or falls within a description specified, in Schedule 2A to the Housing Act 1985 at the time the offence was committed and at the time the court is considering the matter, and
- (c) is not an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either-way offences where value involved is small)."

(2) In section 8 of that Act (notice of proceedings for possession)--

- (a) in subsection (3)(b), for "subsections (4)" there is substituted "subsections (3A)";
- (b) after subsection (3) there is inserted--

"(3A) If a notice under this section specifies in accordance with subsection (3)(a) Ground 7A in Schedule 2 to this Act (whether with or without other grounds), the date specified in the notice as mentioned in subsection (3)(b) is not to be earlier than--

- (a) in the case of a periodic tenancy, the earliest date on which, apart from section 5(1), the tenancy could be brought to an end by a notice to quit given by the landlord on the same date as the date of service of the notice under this section;
- (b) in the case of a fixed term tenancy, one month after the date on which the notice was served.";
- (c) in subsection (4), for "(whether with or without other grounds)" there is substituted "(whether without other grounds or with any ground other than Ground 7A)";
- (d) in subsection (4A), after "other than Ground" there is inserted "7A or";
- (e) after subsection (4B) there is inserted--

"(4C) A notice under this section that specifies in accordance with subsection (3)(a) Ground 7A in Schedule 2 to this Act (whether with or without other grounds) must be served on the tenant within the time period specified in subsection (4D), (4E) or (4F).

(4D) Where the landlord proposes to rely on condition 1, 3 or 5 in Ground 7A, the notice must be served on the tenant within--

- (a) the period of 12 months beginning with the day of the conviction, or
- (b) if there is an appeal against the conviction, the period of 12 months beginning with the day on which the appeal is finally determined or abandoned.

(4E) Where the landlord proposes to rely on condition 2 in Ground 7A, the notice must be served on the tenant within--

- (a) the period of 12 months beginning with the day on which the court has made the finding, or
- (b) if there is an appeal against the finding, the period of 12 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.

(4F) Where the landlord proposes to rely on condition 4 in Ground 7A, the notice must be served on the tenant within--

- (a) the period of 3 months beginning with the day on which the closure order was made, or
- (b) if there is an appeal against the making of the order, the period of 3 months beginning with the day on which the appeal is finally determined, abandoned or withdrawn.";

- (f) in subsection (5), after "Ground" there is inserted "7A or".

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(a).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/98 Conduct causing nuisance to landlord etc

Discretionary grounds: secure and assured tenancies

98 Conduct causing nuisance to landlord etc

- (1) In Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which court may order possession in relation to secure tenancies if it considers it reasonable), in Ground 2, at the end of paragraph (a) (but before the "or") there is inserted--

"(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions,".

- (2) In Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which court may order possession in relation to assured tenancies if it considers it reasonable), in Ground 14, at the end of paragraph (a) (but before the "or") there is inserted--

"(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions,".

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(a).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/99 Offences
connected with riot

99 Offences connected with riot

(1) In Part 1 of Schedule 2 to the Housing Act 1985 (grounds on which court may order possession in relation to secure tenancies if it considers it reasonable), after Ground 2 there is inserted--

"Ground 2ZA

The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom.

In this Ground--

"adult" means a person aged 18 or over;

"indictable offence" does not include an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either way offences where value involved is small);

"riot" is to be construed in accordance with section 1 of the Public Order Act 1986.

This Ground applies only in relation to dwelling-houses in England."

(2) In Part 2 of Schedule 2 to the Housing Act 1988 (grounds on which court may order possession in relation to assured tenancies if it considers it reasonable), after Ground 14 there is inserted--

"Ground 14ZA

The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom.

In this Ground--

"adult" means a person aged 18 or over;

"indictable offence" does not include an offence that is triable only summarily by virtue of section 22 of the Magistrates' Courts Act 1980 (either way offences where value involved is small);

"riot" is to be construed in accordance with section 1 of the Public Order Act 1986.

This Ground applies only in relation to dwelling-houses in England."

NOTES**Initial Commencement**

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 5
Recovery of Possession of Dwelling-houses: Anti-social Behaviour Grounds (ss 94-100)/100 Restrictions
where new possession proceedings in progress etc

Supplemental**100 Restrictions where new possession proceedings in progress etc**

(1) In section 138 of the Housing Act 1985 (right to buy: suspension of duty of landlord to convey freehold or grant lease)--

(a) in subsection (2A)(a), for "or Ground 2 possession order" there is substituted ", Ground 2 or 2ZA possession order or section 84A possession order";

(b) in subsection (2B)(a), for "or an operative Ground 2 possession order" there is substituted ", an operative Ground 2 or 2ZA possession order or an operative section 84A possession order";

(c) in subsection (2C), for the definition of "Ground 2 possession order" there is substituted--

"Ground 2 or 2ZA possession order" means an order for possession under Ground 2 or Ground 2ZA in Schedule 2;";

(d) for the definition of "operative Ground 2 possession order" there is substituted--

"operative Ground 2 or 2ZA possession order" means an order made under Ground 2 or Ground 2ZA in Schedule 2 which requires possession of the dwelling-house to be given up on a date specified in the order;";

(e) after that definition there is inserted--

"operative section 84A possession order" means an order under section 84A which requires possession of the dwelling-house to be given up on a date specified in the order;

"section 84A possession order" means an order for possession under section 84A;".

- (2) In Schedule 3 to that Act (grounds for withholding consent to assignment of secure tenancy by way of exchange), after Ground 2 there is inserted--

"Ground 2ZA

Proceedings have been begun for possession of the dwelling-house, of which the tenant or the proposed assignee is the secure tenant, under section 84A (absolute ground for possession for anti-social behaviour), or there has been served on the tenant or the proposed assignee a notice under section 83ZA (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) which is still in force."

- (3) In Schedule 14 to the Localism Act 2011 (grounds on which landlord may refuse to surrender and grant tenancies in pursuance of a request under section 158 of that Act)--

- (a) after Ground 4 there is inserted--

"4A Ground 4A

- (1) This ground is that either of the following conditions is met.

- (2) The first condition is that--

- (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is a secure tenancy, and
- (b) possession is sought under section 84A of the Housing Act 1985 (absolute ground for possession for anti-social behaviour).

- (3) The second condition is that--

- (a) a notice has been served on a relevant tenant under section 83ZA of that Act (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour), and
- (b) the notice is still in force.";

- (b) after Ground 5 there is inserted--

"5A Ground 5A

- (1) This ground is that either of the following conditions is met.

- (2) The first condition is that--

- (a) proceedings have begun for possession of a dwelling-house let on an existing tenancy which is an assured tenancy, and
- (b) possession is sought on ground 7A in Part 1 of Schedule 2 to the Housing Act 1988 (absolute ground for possession for anti-social behaviour).

- (3) The second condition is that--

- (a) a notice has been served on a relevant tenant under section 8 of that Act (notice of proceedings for possession), and
- (b) the notice specifies ground 7A and is still in force."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1), (3)(b).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 6 Local Involvement and Accountability (ss 101-105)/101 The community remedy document

Part 6

Local Involvement and Accountability

Community remedies

101 The community remedy document

(1) Each local policing body must prepare a community remedy document for its area, and may revise it at any time.

(2) A community remedy document is a list of actions any of which might, in the opinion of the local policing body, be appropriate in a particular case to be carried out by a person who--

- (a) has engaged in anti-social behaviour or has committed an offence, and
- (b) is to be dealt with for that behaviour or offence without court proceedings.

(3) For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects--

- (a) assisting in the person's rehabilitation;
- (b) ensuring that the person makes reparation for the behaviour or offence in question;
- (c) punishing the person.

(4) In preparing or revising the community remedy document for its area a local policing body must--

- (a) have regard to the need to promote public confidence in the out-of-court disposal process;
- (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;
- (c) carry out the necessary consultation and take account of all views expressed by those consulted.

- (5) In subsection (4)(c) "the necessary consultation" means--
- (a) consultation with the chief officer of police for the area,
 - (b) consultation with the local authority for any part of the area,
 - (c) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and
 - (d) whatever other public consultation the local policing body thinks appropriate.
- (6) A local policing body must agree the community remedy document for its area, and any revised document, with the chief officer of police for the area.
- (7) Once the community remedy document, or a revised document, has been agreed with the chief officer of police, the local policing body must publish it in whatever way it thinks appropriate.
- (8) The Secretary of State must publish any guidance issued under subsection (4)(b).
- (9) In this section--
- "anti-social behaviour" has the meaning given by section 2 (ignoring subsection (2) of that section);
 - "community representative", in relation to a police area, means any individual or body appearing to the local policing body to represent the views of people who live in, work in or visit the area;
 - "local authority" means--
 - (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
- "out-of-court disposal process" means the process by which a person is dealt with under section 102 or by means of a conditional caution or youth conditional caution.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 6 Local Involvement and Accountability (ss 101-105)/102 Anti-social behaviour etc: out-of-court disposals

102 Anti-social behaviour etc: out-of-court disposals

(1) This section applies where--

- (a) a person (P) within subsection (2) has evidence that an individual (A) has engaged in anti-social behaviour or committed an offence,
- (b) A admits to P that he or she has done so,
- (c) P thinks that the evidence is enough for taking proceedings against A for an injunction under section 1, or taking other court proceedings, but decides that it would be appropriate for A to carry out action of some sort instead, and
- (d) if the evidence is that A has committed an offence, P does not think that it would be more appropriate for A to be given a caution or a fixed penalty notice.

(2) The persons within this subsection are--

- (a) a constable;
- (b) an investigating officer;
- (c) a person authorised by a relevant prosecutor for the purposes of section 22 of the Criminal Justice Act 2003 (conditional cautions) or section 66A of the Crime and Disorder Act 1998 (youth conditional cautions).

(3) Before deciding what action to invite A to carry out, P must make reasonable efforts to obtain the views of the victim (if any) of the anti-social behaviour or the offence, and in particular the victim's views as to whether A should carry out any of the actions listed in the community remedy document.

(4) If the victim expresses the view that A should carry out a particular action listed in the community remedy document, P must invite A to carry out that action unless it seems to P that it would be inappropriate to do so.

(5) Where--

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (4) does not apply,

P must nevertheless take account of any views expressed by the victim (or victims) in deciding what action to invite A to carry out.

(6) In this section--

"action" includes the making of a payment to the victim (but does not include the payment of a fixed penalty);

"anti-social behaviour" has the meaning given by section 2 (ignoring subsection (2) of that section);

"community remedy document" means the community remedy document (as revised from time to time) published under section 101 for the police area in which A's anti-social behaviour or offence took place;

"caution"--

- (a) in the case of a person aged 18 or over, includes a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
- (b) in the case of a person under that age, means a youth caution or youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;

"investigating officer" and "relevant prosecutor" have the same meaning as in Part 3 of the Criminal Justice Act 2003 (see section 27 of that Act);

"victim" means the particular person who seems to P to have been affected, or principally affected, by A's anti-social behaviour or offence.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 6 Local Involvement and Accountability (ss 101-105)/103 Criminal behaviour: conditional cautions

103 Criminal behaviour: conditional cautions

(1) In Part 3 of the Criminal Justice Act 2003 (conditional cautions), after section 23 there is inserted--

"23ZA Duty to consult victims

(1) Before deciding what conditions to attach to a conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.

(2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

(3) Where--

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section--

"community remedy document" means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

"victim" means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence."

(2) After section 66B of the Crime and Disorder Act 1998 (requirements for youth conditional cautions) there is inserted--

"66BA Duty to consult victims

(1) Before deciding what conditions to attach to a youth conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.

(2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

(3) Where--

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section--

"community remedy document" means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

"victim" means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence."

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 6 Local Involvement and Accountability (ss 101-105)/104 Review of response to complaints

Response to complaints about anti-social behaviour

104 Review of response to complaints

(1) In a case where a person has made a complaint about anti-social behaviour in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an "ASB case review") if--

- (a) that person, or any other person, makes an application for such a review, and
- (b) the relevant bodies decide that the threshold for a review is met.

(2) The relevant bodies in each local government area must--

- (a) make arrangements about the carrying out of ASB case reviews by those bodies ("review procedures"), and
- (b) ensure that the current review procedures are published.

(3) The review procedures must include provision about the making of applications for ASB case reviews; and, in particular, must--

- (a) specify the point of contact for making applications, and
- (b) ensure that applications made to that point of contact are passed on to all the relevant bodies in the local government area.

(4) In a situation where--

- (a) an application for an ASB case review is made, and
- (b) at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates,

the relevant bodies must decide that the threshold for a review is met.

(5) In any other situation where an application for an ASB case review is made, the question whether the threshold for a review is met must be decided by the relevant bodies in accordance with the review procedures; and the procedures may, in particular, include provision for this purpose which is framed by reference to any of these matters--

- (a) the persistence of the anti-social behaviour about which the original complaint was made;
- (b) the harm caused, or the potential for harm to be caused, by that behaviour;
- (c) the adequacy of the response to that behaviour.

(6) After the relevant bodies have decided whether or not the threshold for a review is met, they must inform the applicant of their decision.

(7) The relevant bodies who carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

(8) The relevant bodies who carry out an ASB case review must inform the applicant of--

- (a) the outcome of the review, and

(b) any recommendations made in accordance with subsection (7).

(9) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must publish information about the following matters which relates to that period--

- (a) the number of applications for ASB case reviews made to those bodies;
- (b) the number of times those bodies decided that the threshold for a review was not met;
- (c) the number of ASB case reviews those bodies have carried out;
- (d) the number of ASB case reviews carried out by those bodies that have resulted in recommendations being made.

(10) The question whether a complaint made about anti-social behaviour is a "qualifying complaint" for the purposes of subsection (4) is to be determined in accordance with subsections (11) and (12).

(11) A complaint about anti-social behaviour is a qualifying complaint if--

- (a) the complaint is made within the period of one month (or, if a different period is specified in the review procedures, that period) beginning with the date on which the behaviour is alleged to have occurred; and
- (b) the application for the ASB case review is made within the period of six months (or, if a different period is specified in the review procedures, that period) beginning with the date on which the complaint is made.

(12) But where a person makes two or more complaints about anti-social behaviour which meet the requirements in subsection (11), the question of which complaint is, or which complaints are, qualifying complaints is to be decided by the relevant bodies in accordance with the review procedures.

The procedures may, in particular, include provision for this purpose which is framed by reference to whether different complaints relate to different aspects of particular anti-social behaviour (including different incidents comprised in particular anti-social behaviour).

(13) Schedule 4 (ASB case reviews: supplementary provision) has effect.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 6 Local Involvement and Accountability (ss 101-105)/105 ASB case reviews: interpretation

105 ASB case reviews: interpretation

(1) This section applies for the purposes of section 104, this section and Schedule 4.

(2) In relation to England--

"local government area" means an area for which there is--

- (a) a relevant district council, or
- (b) a unitary authority;

"relevant district council" means the council of a district so far as it is not a unitary authority;

"unitary authority" means--

- (a) the council of a county so far as it is the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a London borough council,
- (d) the Common Council of the City of London in its capacity as a local authority, or
- (e) the Council of the Isles of Scilly;

and, in relation to a local government area in England--

"local provider of social housing" means a private registered provider of social housing that--

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

"relevant bodies" means--

- (a) the relevant district council or the unitary authority,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each clinical commissioning group established under section 14V of the National Health Service Act 2006 whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(3) In relation to Wales--

"local government area" means--

- (a) a county, or
- (b) a county borough;

and, in relation to a local government area in Wales--

"local provider of social housing" means a body registered as a social landlord under section 3 of the Housing Act 1996 that--

- (a) grants tenancies of dwelling-houses in that area, or

- (b) manages any house or other property in that area;

"relevant bodies" means--

- (a) the council for the area,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each Local Health Board whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

- (4) These expressions have the meanings given--

"anti-social behaviour" means behaviour causing harassment, alarm or distress to members or any member of the public;

"applicant" means a person who makes an application for an ASB case review;

"ASB case review" has the meaning given in section 104(1);

"dwelling-house" has the same meaning as in the Housing Act 1985;

"co-option arrangements" has the meaning given in paragraph 5 of Schedule 4;

"reporting period", in relation to the publication of information by the relevant bodies in a local government area, means a period, not exceeding 12 months, determined by those bodies.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014