



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

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.

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.

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).

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.