
STATUTORY INSTRUMENTS

2004 No. 1988

The Anti-social Behaviour (Northern Ireland) Order 2004

Anti-social behaviour orders on conviction in criminal proceedings

Anti-social behaviour orders on conviction in criminal proceedings

6.—(1) This Article applies where a person (the “offender”) is convicted of a relevant offence.

(2) If the court considers—

- (a) that the offender has acted, at any time since the commencement date, in an anti-social manner, that is to say in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, and
- (b) that an order under this Article is necessary to protect persons within Northern Ireland from further anti-social acts by him,

it may make an order which prohibits the offender from doing anything described in the order.

(3) The court may make an order under this Article—

- (a) if the prosecution asks it to do so; or
- (b) if the court thinks it is appropriate to do so.

(4) For the purpose of deciding whether to make an order under this Article the court may consider evidence led by the prosecution and the defence.

(5) It is immaterial whether evidence led in pursuance of paragraph (4) would have been admissible in the proceedings in which the offender was convicted.

(6) An order under this Article shall not be made except—

- (a) in addition to a sentence imposed in respect of the relevant offence; or
- (b) in addition to an order discharging the offender conditionally.

[^{F1}(6A) The court may adjourn any proceedings in relation to an order under this Article even after sentencing the offender.

(6B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.

(6C) But the court may not issue a warrant for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.]

(7) An order under this Article takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.

(8) [^{F2}Subject to Article 6B,] An order under this Article shall have effect for a period (not less than two years) specified in the order or until further order.

(9) ^{F3}

(10) ^{F3}

(11) ^{F3}

(12) The functions of—

- (a) ^{F3}.....
- (b) the Director of Public Prosecutions under section 31 of the Justice (Northern Ireland) Act 2002 (c.26),

include having the conduct of applications for orders under this Article.

(13) In this Article—

“the court” in relation to an offender means the court by or before which he is convicted of the relevant offence;

“relevant offence” means an offence committed after the coming into operation of this Article.

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| F1 | Art. 6(6A)-(6C) inserted (18.9.2006) by Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(2)(a), 3(2); S.R. 2006/368, art. 2(a) |
| F2 | Words in art. 6(8) inserted (18.9.2006) by Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(2)(a), 3(3); S.R. 2006/368, art. 2(a) |
| F3 | Art. 6(9)-(12)(a) repealed (18.9.2006) by Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(2)(a), 3(4), 27, Sch. 2; S.R. 2006/368, art. 2(a) |

Changes to legislation:

There are currently no known outstanding effects for the The Anti-social Behaviour (Northern Ireland) Order 2004, Section 6.