



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 4

#### DISPERSAL OF GROUPS ETC.

#### **30 Dispersal of groups and removal of persons under 16 to their place of residence**

- (1) This section applies where a relevant officer has reasonable grounds for believing—
  - (a) that any members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more persons in public places in any locality in his police area (the “relevant locality”), and
  - (b) that anti-social behaviour is a significant and persistent problem in the relevant locality.
- (2) The relevant officer may give an authorisation that the powers conferred on a constable in uniform by subsections (3) to (6) are to be exercisable for a period specified in the authorisation which does not exceed 6 months.
- (3) Subsection (4) applies if a constable in uniform has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in the relevant locality has resulted, or is likely to result, in any members of the public being intimidated, harassed, alarmed or distressed.
- (4) The constable may give one or more of the following directions, namely—
  - (a) a direction requiring the persons in the group to disperse (either immediately or by such time as he may specify and in such way as he may specify),
  - (b) a direction requiring any of those persons whose place of residence is not within the relevant locality to leave the relevant locality or any part of the relevant locality (either immediately or by such time as he may specify and in such way as he may specify), and
  - (c) a direction prohibiting any of those persons whose place of residence is not within the relevant locality from returning to the relevant locality or any part of

the relevant locality for such period (not exceeding 24 hours) from the giving of the direction as he may specify;

but this subsection is subject to subsection (5).

- (5) A direction under subsection (4) may not be given in respect of a group of persons—
- (a) who are engaged in conduct which is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), or
  - (b) who are taking part in a public procession of the kind mentioned in section 11(1) of the Public Order Act 1986 (c. 64) in respect of which—
    - (i) written notice has been given in accordance with section 11 of that Act, or
    - (ii) such notice is not required to be given as provided by subsections (1) and (2) of that section.
- (6) If, between the hours of 9pm and 6am, a constable in uniform finds a person in any public place in the relevant locality who he has reasonable grounds for believing—
- (a) is under the age of 16, and
  - (b) is not under the effective control of a parent or a responsible person aged 18 or over,
- he may remove the person to the person's place of residence unless he has reasonable grounds for believing that the person would, if removed to that place, be likely to suffer significant harm.
- (7) In this section any reference to the presence or behaviour of a group of persons is to be read as including a reference to the presence or behaviour of any one or more of the persons in the group.

### **31 Authorisations: supplemental**

- (1) An authorisation—
- (a) must be in writing,
  - (b) must be signed by the relevant officer giving it, and
  - (c) must specify—
    - (i) the relevant locality,
    - (ii) the grounds on which the authorisation is given, and
    - (iii) the period during which the powers conferred by section 30(3) to (6) are exercisable.
- (2) An authorisation may not be given without the consent of the local authority or each local authority whose area includes the whole or part of the relevant locality.
- (3) Publicity must be given to an authorisation by either or both of the following methods—
- (a) publishing an authorisation notice in a newspaper circulating in the relevant locality,
  - (b) posting an authorisation notice in some conspicuous place or places within the relevant locality.
- (4) An “authorisation notice” is a notice which—
- (a) states the authorisation has been given,
  - (b) specifies the relevant locality, and

- (c) specifies the period during which the powers conferred by section 30(3) to (6) are exercisable.
- (5) Subsection (3) must be complied with before the beginning of the period mentioned in subsection (4)(c).
- (6) An authorisation may be withdrawn by—
  - (a) the relevant officer who gave it, or
  - (b) any other relevant officer whose police area includes the relevant locality and whose rank is the same as or higher than that of the relevant officer mentioned in paragraph (a).
- (7) Before the withdrawal of an authorisation, consultation must take place with any local authority whose area includes the whole or part of the relevant locality.
- (8) The withdrawal of an authorisation does not affect the exercise of any power pursuant to that authorisation which occurred prior to its withdrawal.
- (9) The giving or withdrawal of an authorisation does not prevent the giving of a further authorisation in respect of a locality which includes the whole or any part of the relevant locality to which the earlier authorisation relates.
- (10) In this section “authorisation” means an authorisation under section 30.

### **32 Powers under section 30: supplemental**

- (1) A direction under section 30(4)—
  - (a) may be given orally,
  - (b) may be given to any person individually or to two or more persons together, and
  - (c) may be withdrawn or varied by the person who gave it.
- (2) A person who knowingly contravenes a direction given to him under section 30(4) commits an offence and is liable on summary conviction to—
  - (a) a fine not exceeding level 4 on the standard scale, or
  - (b) imprisonment for a term not exceeding 3 months,or to both.
- (3) A constable in uniform may arrest without warrant any person he reasonably suspects has committed an offence under subsection (2).
- (4) Where the power under section 30(6) is exercised, any local authority whose area includes the whole or part of the relevant locality must be notified of that fact.

### **33 Powers of community support officers**

- (1) Part 1 of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers of community support officers) is amended as follows.
- (2) In paragraph 2 (power to detain etc) after sub-paragraph (6)(a) insert—
  - “(aa) an offence under section 32(2) of the Anti-social Behaviour Act 2003; or”.
- (3) After paragraph 4 insert—

*“Power to disperse groups and remove young persons to their place of residence*

- 4A Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).
- 4B (1) Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 15(3) of the Crime and Disorder Act 1998 (power to remove child to their place of residence).
- (2) Section 15(1) of that Act shall have effect in relation to the exercise of that power by that person as if the reference to a constable in that section were a reference to that person.
- (3) Where that person exercises that power, the duty in section 15(2) of that Act (duty to inform local authority of contravention of curfew notice) is to apply to him as it applies to a constable.”

**34 Code of practice**

- (1) The Secretary of State may issue a code of practice about—
- (a) the giving or withdrawal of authorisations under section 30, and
  - (b) the exercise of the powers conferred by section 30(3) to (6).
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) The Secretary of State must lay any code of practice issued by him under this section, and any revisions of such a code, before Parliament.
- (4) In giving or withdrawing an authorisation under section 30, a relevant officer must have regard to any code of practice for the time being in force under this section.
- (5) In exercising the powers conferred by section 30(3) to (6), a constable in uniform or community support officer must have regard to any code of practice for the time being in force under this section.
- (6) A code of practice under this section may make different provision for different cases.

**35 Authorisations by British Transport Police**

- (1) For the purposes of the giving of an authorisation under section 30 by a relevant officer who is an officer of the British Transport Police Force, section 30(1) is to have effect as if for “in his police area” there were substituted “which forms part of property in relation to which he has all the powers and privileges of a constable by virtue of section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003”.
- (2) Where such an authorisation is given by such an officer, section 31(6)(b) is to have effect as if for “whose police area includes the relevant locality” there were substituted “who is an officer of the British Transport Police Force”.

## 36 Interpretation

In this Part—

“anti-social behaviour” means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person,

“local authority” means—

(a) in relation to England, a district council, a county council that is the council for a county in which there are no district councils, 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,

“public place” means—

(a) any highway, and

(b) any place to which at the material time 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,

“relevant locality” has the same meaning as in section 30,

“relevant officer” means a police officer of or above the rank of superintendent.