



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 9 **E+W**

#### MISCELLANEOUS POWERS

#### 85 Anti-social behaviour orders **E+W**

(1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F1</sup>(7) .....

(8) In section 9 (which makes supplemental provision about parenting orders) after subsection (1A) there is inserted the following subsection—

“(1B) If an anti-social behaviour order is made in respect of a person under the age of 16 the court which makes the order—

- (a) must make a parenting order if it is satisfied that the relevant condition is fulfilled;
- (b) if it is not so satisfied, must state in open court that it is not and why it is not.”

<sup>F2</sup>(9) .....

<sup>F2</sup>(10) .....

<sup>F2</sup>(11) .....

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 9. (See end of Document for details)*

### Textual Amendments

- F1** S. 85(2)-(7) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)
- F2** S. 85(9)-(11) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

### Commencement Information

- I1** S. 85(9)-(11) in force at Royal Assent, see s. 93(1)
- I2** S. 85(1)-(3) (7) in force at 20.1.2004 by S.I. 2003/3300, [art. 2\(f\)\(i\)](#)
- I3** S. 85(4) in force at 20.1.2004 for specified purposes by S.I. 2003/3300, [art. 2\(f\)\(i\)](#)
- I4** S. 85(4) in force at 31.3.2004 in so far as not already in force by S.I. 2004/690, [art. 2\(b\)\(i\)](#)
- I5** S. 85(5)(6) in force at 31.3.2004 for specified purposes by S.I. 2004/690, [art. 2\(b\)\(ii\)](#)
- I6** S. 85(5) in force at 1.10.2004 for a period of two years for specified purposes by S.I. 2004/2168, [art. 4](#) (as amended (31.3.2006) by S.I. 2006/835, art. 2)
- I7** S. 85(5) amendment to earlier commencing SI 2004/2168 art. 4(1) (31.3.2006) by [Anti-Social Behaviour Act 2003 \(Commencement No.4\) \(Amendment\) Order 2006 \(S.I. 2006/835\)](#), arts. 1, 2
- I8** S. 85(6) in force at 30.9.2004 in so far as not already in force by S.I. 2004/2168, [art. 2\(a\)\(i\)](#)
- I9** S. 85(8) in force at 27.2.2004 by S.I. 2003/3300, [art. 3\(c\)](#)

## 86 Certain orders made on conviction of offences E+W

<sup>F3</sup>(1) .....

<sup>F3</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

- (5) In section 14A of the Football Spectators Act 1989 (c. 37) after subsection (3) there are inserted the following subsections—

“(3A) For the purpose of deciding whether to make an order under this section the court may consider evidence led by the prosecution and the defence.

(3B) It is immaterial whether evidence led in pursuance of subsection (3A) would have been admissible in the proceedings in which the offender was convicted.”

- (6) In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions) after paragraph (f) the word “and” is omitted and there is inserted the following paragraph—

“(fa) to have the conduct of applications for orders under section 1C of the Crime and Disorder Act 1998 (orders made on conviction of certain offences) and section 14A of the Football Spectators Act 1989 (banning orders made on conviction of certain offences);”.

### Textual Amendments

- F3** S. 86(1)-(4) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 9. (See end of Document for details)*

#### Commencement Information

- I10** S. 86(1)(2) in force at 31.3.2004 by [S.I. 2004/690](#), [art. 2\(b\)\(iii\)](#)
- I11** S. 86(3) in force at 20.1.2004 for specified purposes by [S.I. 2003/3300](#), [art. 2\(f\)\(i\)](#)
- I12** S. 86(3) in force at 31.3.2004 in so far as not already in force by [S.I. 2004/690](#), [art. 2\(b\)\(iii\)](#)
- I13** S. 86(4)-(6) in force at 20.1.2004 by [S.I. 2003/3300](#), [art. 2\(f\)\(ii\)](#)

#### <sup>F4</sup>**87** Penalty notices for disorderly behaviour by young persons **E+W**

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#### Textual Amendments

- F4** S. 87 omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 23 para. 15](#); [S.I. 2013/453](#), art. 4(e)

#### <sup>F5</sup>**88** Curfew orders and supervision orders **E+W**

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#### Textual Amendments

- F5** S. 88 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxx)

#### **89** Extension of powers of community support officers etc. **E+W**

- (1) The [Police Reform Act 2002](#) (c. 30) is amended as follows.
- (2) In section 105 (powers of Secretary of State to make orders and regulations) in subsection (3)(b) after “99(6)” insert “ or paragraph 15A(2) of Schedule 4 or paragraph 9A(2) of Schedule 5 ”.

<sup>F6</sup>(3) .....

<sup>F6</sup>(4) .....

- (5) In paragraph 1(2) of Schedule 5 (powers of accredited persons to issue fixed penalty notices) after paragraph (a) insert—

“(aa) the powers of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the [Criminal Justice and Police Act 2001](#) (fixed penalty notices in respect of offences of disorder) except in respect of an offence under section 12 of the [Licensing Act 1872](#) or section 91 of the [Criminal Justice Act 1967](#).”

- (6) After paragraph 8 of that Schedule insert—

#### “Power to stop cycles

- 8A (1) Subject to sub-paragraph (2), a person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have

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the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

- (2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.”

(7) After paragraph 9 of that Schedule insert—

**“Power to modify paragraph 1(2)(aa)**

- 9A (1) The Secretary of State may by order provide that paragraph 1(2)(aa) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any provision for the time being mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001 which is specified in the order.
- (2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.”

**Textual Amendments**

- F6** S. 89(3)(4) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 15\(c\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

**Commencement Information**

- I14** S. 89(1)-(4) (6) (7) in force at 20.1.2004 by S.I. 2003/3300, [art. 2\(f\)\(iv\)](#)
- I15** S. 89(5) in force at 31.3.2004 in so far as not already in force by S.I. 2004/690, [art. 2\(b\)\(iv\)](#)

**90 Report by local authority in certain cases where person remanded on bail E**

+W

After section 23A of the Children and Young Persons Act 1969 (c. 54) there is inserted—

**“23B Report by local authority in certain cases where person remanded on bail**

- (1) Subsection (2) below applies where a court remands a person aged 10 or 11 on bail and either—
- (a) the person is charged with or has been convicted of a serious offence, or
  - (b) in the opinion of the court the person is a persistent offender.
- (2) The court may order a local authority to make an oral or written report specifying where the person is likely to be placed or maintained if he is further remanded to local authority accommodation.

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- (3) An order under subsection (2) above must designate the local authority which is to make the report; and that authority must be the local authority which the court would have designated under section 23(2) of this Act if the person had been remanded to local authority accommodation.
- (4) An order under subsection (2) above must specify the period within which the local authority must comply with the order.
- (5) The maximum period that may be so specified is seven working days.
- (6) If the Secretary of State by order so provides, subsection (2) above also applies where—
  - (a) a court remands on bail any person who has attained the age of 12 and is under the age of 17,
  - (b) the requirement in section 23AA(3) of this Act is fulfilled, and
  - (c) in a case where he is remanded after conviction, the court is satisfied that the behaviour which constituted the offence was due, to a significant extent, to the circumstances in which the offender was living.
- (7) In this section—

“serious offence” means an offence punishable in the case of an adult with imprisonment for a term of two years or more.

“working day” means any day other than—

  - (a) a Saturday or a Sunday,
  - (b) Christmas day or Good Friday, or
  - (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.”.

**Commencement Information**

**116** S. 90 in force at 31.7.2004 by [S.I. 2004/1502](#), [art. 3](#)

**[<sup>F7</sup>91 Proceedings under section 222 of the Local Government Act 1972: power of arrest attached to injunction E+W**

- (1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (c. 70) (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).
- (2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) below applies, attach a power of arrest to any provision of the injunction.
- (3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either—
  - (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or
  - (b) there is a significant risk of harm to the person mentioned in that subsection.
- (4) Harm includes serious ill-treatment or abuse (whether physical or not).

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 9. (See end of Document for details)*

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(5) Local authority has the same meaning as in section 222 of the Local Government Act 1972.]

**Textual Amendments**

**F7** S. 91 repealed (6.4.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 3](#); [S.I. 2007/709](#), [art. 4\(e\)](#) (with [art. 8](#))

**Commencement Information**

**I17** S. 91 in force at 30.6.2004 for E. by [S.I. 2004/1502](#), [art. 2\(b\)](#) (with [Sch. para. 3](#))

**I18** S. 91 in force at 30.9.2004 for W. by [S.I. 2004/2557](#), [art. 2\(b\)](#) (with [Sch. para. 3](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 9.