



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 7

PUBLIC ORDER AND TRESPASS

61 Failure to comply with direction: offences

After section 62A of the Criminal Justice and Public Order Act 1994 (c. 33) (inserted by section 60) insert—

“62B Failure to comply with direction under section 62A: offences

- (1) A person commits an offence if he knows that a direction under section 62A(1) has been given which applies to him and—
 - (a) he fails to leave the relevant land as soon as reasonably practicable, or
 - (b) he enters any land in the area of the relevant local authority as a trespasser before the end of the relevant period with the intention of residing there.
- (2) The relevant period is the period of 3 months starting with the day on which the direction is given.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
- (4) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.
- (5) In proceedings for an offence under this section it is a defence for the accused to show—
 - (a) that he was not trespassing on the land in respect of which he is alleged to have committed the offence, or
 - (b) that he had a reasonable excuse—

Status: Point in time view as at 27/02/2004.

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 61. (See end of Document for details)

- (i) for failing to leave the relevant land as soon as reasonably practicable, or
- (ii) for entering land in the area of the relevant local authority as a trespasser with the intention of residing there, or
- (c) that, at the time the direction was given, he was under the age of 18 years and was residing with his parent or guardian.”

Commencement Information

II S. 61 in force at 27.2.2004 by S.I. 2003/3300, art. 3(b)

Status:

Point in time view as at 27/02/2004.

Changes to legislation:

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 61.