



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 9

#### MISCELLANEOUS POWERS

#### 85 Anti-social behaviour orders

- (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- (2) In section 1(1A) (authorities who may apply for anti-social behaviour orders)—
  - (a) after paragraph (a) there is inserted—

“(aa) in relation to England, a county council;”;
  - (b) after paragraph (c) “or” is omitted;
  - (c) after paragraph (d) there is inserted “or
  - (e) a housing action trust established by order in pursuance of section 62 of the Housing Act 1988.”
- (3) In section 1(1B) (persons requiring protection from anti-social acts)—
  - (a) after paragraph (a) there is inserted—

“(aa) in relation to a relevant authority falling within paragraph (aa) of subsection (1A), persons within the county of the county council;”;
  - (b) in paragraph (d) after “paragraph (d)” there is inserted “ or (e) ”.
- (4) In section 1 after subsection (10) (penalty for breach of anti-social behaviour order) there are inserted the following subsections—

“(10A) The following may bring proceedings for an offence under subsection (10)—

  - (a) a council which is a relevant authority;
  - (b) the council for the local government area in which a person in respect of whom an anti-social behaviour order has been made resides or appears to reside.

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*Status: Point in time view as at 31/03/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 85. (See end of Document for details)*

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- (10B) If proceedings for an offence under subsection (10) are brought in a youth court section 47(2) of the Children and Young Persons Act 1933 (c. 12) has effect as if the persons entitled to be present at a sitting for the purposes of those proceedings include one person authorised to be present by a relevant authority.”
- (5) In section 1B (anti-social behaviour orders in county court proceedings) after subsection (3) there are inserted the following subsections—
- “(3A) Subsection (3B) applies if a relevant authority is a party to the principal proceedings and considers—
- (a) that a person who is not a party to the proceedings has acted in an anti-social manner, and
  - (b) that the person’s anti-social acts are material in relation to the principal proceedings.
- (3B) The relevant authority may—
- (a) make an application for the person mentioned in subsection (3A)(a) to be joined to the principal proceedings to enable an order under subsection (4) to be made in relation to that person;
  - (b) if that person is so joined, apply for an order under subsection (4).
- (3C) But a person must not be joined to proceedings in pursuance of subsection (3B) unless his anti-social acts are material in relation to the principal proceedings.”
- (6) In section 1B(5) for “party to the principal proceedings” there is substituted “person”.
- (7) In section 1E (consultation requirements) after subsection (4) there is inserted—
- “(5) Subsection (4)(a) does not apply if the relevant authority is a county council for a county in which there are no districts.”
- (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.”
- (9) An order under section 93 below made in relation to subsection (5) above may make provision for that subsection to come into force—
- (a) for such period as is specified in the order;
  - (b) on different days in respect of persons of different ages.
- (10) Subsection (9) does not affect section 94(2) below.
- (11) The making of an order as mentioned in subsection (9)(a) does not prevent the making of a further order under section 93 below—
- (a) whether for the same or a different purpose, or
  - (b) in relation to the same area.

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#### **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)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 85.