

These notes refer to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) which received Royal Assent on 13 March 2014

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Local involvement and accountability

Section 102: Anti-social behaviour etc: out of court disposals

228. *Subsection (1)* ensures that the community remedy can only be used where a constable (or other person listed under *subsection (2)*) thinks there is enough evidence to apply for an injunction under section 1 of the Act or to take other court proceedings and when it is not considered that a conditional caution would be appropriate (see section 103 where a conditional caution is considered appropriate).
229. Before determining the appropriate action to require of the perpetrator, the constable or other relevant person must make reasonable efforts to ascertain the views of the victim or victims who will be able to indicate which of the actions listed in the community remedy document they consider appropriate in that case (*subsection (3)*). There is no requirement on the victim to express a view if he or she does not wish to do so. *Subsection (4)* provides that where the victim has expressed a view as to the appropriate action there is a presumption that the constable (or other person) would invite the perpetrator to carry out that action unless the action was considered by the constable (or other person) to be inappropriate. For example, where it would be unreasonable to ask an offender to carry out an action that was incompatible with their disability. However, if the perpetrator did not agree to the sanction, this could lead to more formal sanctions.