



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 6

LOCAL INVOLVEMENT AND ACCOUNTABILITY

Community remedies

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

- (1) This section applies where—
 - (a) a person (P) within subsection (2) has evidence that an individual (A) has engaged in anti-social behaviour or committed an offence,
 - (b) A admits to P that he or she has done so,
 - (c) P thinks that the evidence is enough for taking proceedings against A for an injunction under section 1, or taking other court proceedings, but decides that it would be appropriate for A to carry out action of some sort instead, and
 - (d) if the evidence is that A has committed an offence, P does not think that it would be more appropriate for A to be given a caution or a fixed penalty notice.
- (2) The persons within this subsection are—
 - (a) a constable;
 - (b) an investigating officer;
 - (c) a person authorised by a relevant prosecutor for the purposes of section 22 of the Criminal Justice Act 2003 (conditional cautions) or section 66A of the Crime and Disorder Act 1998 (youth conditional cautions).
- (3) Before deciding what action to invite A to carry out, P must make reasonable efforts to obtain the views of the victim (if any) of the anti-social behaviour or the offence, and in particular the victim's views as to whether A should carry out any of the actions listed in the community remedy document.

Changes to legislation: *Anti-social Behaviour, Crime and Policing Act 2014, Section 102 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) If the victim expresses the view that A should carry out a particular action listed in the community remedy document, P must invite A to carry out that action unless it seems to P that it would be inappropriate to do so.
- (5) Where—
- (a) there is more than one victim and they express different views, or
 - (b) for any other reason subsection (4) does not apply,
- P must nevertheless take account of any views expressed by the victim (or victims) in deciding what action to invite A to carry out.
- (6) In this section—
- “action” includes the making of a payment to the victim (but does not include the payment of a fixed penalty);
 - “anti-social behaviour” has the meaning given by section 2 (ignoring subsection (2) of that section);
 - “community remedy document” means the community remedy document (as revised from time to time) published under section 101 for the police area in which A's anti-social behaviour or offence took place;
 - “caution”—
 - (a) in the case of a person aged 18 or over, includes a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
 - (b) in the case of a person under that age, means a youth caution or youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
 - “investigating officer” and “relevant prosecutor” have the same meaning as in Part 3 of the Criminal Justice Act 2003 (see section 27 of that Act);
 - “victim” means the particular person who seems to P to have been affected, or principally affected, by A's anti-social behaviour or offence.

Commencement Information

II S. 102 in force at 20.10.2014 by S.I. 2014/2590, art. 3(d) (with art. 5A)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 102(2)(c) words omitted by [2022 c. 32 Sch. 11 para. 35\(2\)\(b\)](#)
- s. 102(6) words substituted by [2022 c. 32 Sch. 11 para. 35\(3\)\(a\)](#)
- s. 102(6) words substituted by [2022 c. 32 Sch. 11 para. 35\(3\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)