



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 4

#### COMMUNITY PROTECTION

### CHAPTER 2

#### PUBLIC SPACES PROTECTION ORDERS [<sup>F1</sup>AND EXPEDITED ORDERS]

##### *Restrictions on public rights of way*

#### **64 Orders restricting public right of way over highway**

- (1) A local authority may not make a public spaces protection order [<sup>F1</sup>or expedited order] that restricts the public right of way over a highway without considering—
- (a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
  - (b) the likely effect of making the order on other persons in the locality;
  - (c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

[<sup>F2</sup>(1A) Before making a public spaces protection order that restricts the public right of way over a highway, a local authority must take the prior consultation steps (see subsection (2)).

- (1B) A local authority may not make an expedited order that restricts the public right of way over a highway unless it—
- (a) takes the prior consultation steps before making the order, or
  - (b) takes the subsequent consultation steps (see subsection (2A)) as soon as reasonably practicable after making the order.]

**Changes to legislation:** *Anti-social Behaviour, Crime and Policing Act 2014, Section 64 is up to date with all changes known to be in force on or before 19 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*

- (2) [<sup>F3</sup>To take the “prior consultation steps” in relation to an order means to]—
- (a) notify potentially affected persons of the proposed order,
  - (b) inform those persons how they can see a copy of the proposed order,
  - (c) notify those persons of the period within which they may make representations about the proposed order, and
  - (d) consider any representations made.

In this subsection “potentially affected persons” means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

- [<sup>F4</sup>(2A) To take the “subsequent consultation steps” in relation to an expedited order means to—
- (a) notify potentially affected persons of the order,
  - (b) invite those persons to make representations within a specified period about the terms and effects of the order,
  - (c) inform those persons how they can see a copy of the order, and
  - (d) consider any representations made.

The definition of “potentially affected persons” in subsection (2) applies to this subsection as if the reference there to “the proposed order” were to “the order”.]

- (3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.

- [<sup>F5</sup>(3B) Where a local authority proposes to make an expedited order restricting the public right of way over a highway that is also within the area of another local authority it must, if it thinks appropriate to do so, consult that other authority before, or as soon as reasonably practicable after, making the order.]

- (4) A public spaces protection order [<sup>F6</sup>or expedited order] may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (5) A public spaces protection order [<sup>F7</sup>or expedited order] may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order [<sup>F8</sup>or expedited order] may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.
- (7) A public spaces protection order [<sup>F9</sup>or expedited order] that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.
- (8) A local authority may install, operate and maintain barriers authorised under subsection (7).
- (9) A highway over which the public right of way is restricted by a public spaces protection order [<sup>F10</sup>or expedited order] does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).

- (10) In this section—

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“dwelling” means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;

“highway” has the meaning given by section 328 of the Highways Act 1980.

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#### Textual Amendments

- F1** Words in s. 64(1) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(2)**; S.I. 2022/520, reg. 5(j)
- F2** S. 64(1A)(1B) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(3)**; S.I. 2022/520, reg. 5(j)
- F3** Words in s. 64(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(4)**; S.I. 2022/520, reg. 5(j)
- F4** S. 64(2A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(5)**; S.I. 2022/520, reg. 5(j)
- F5** S. 64(3B) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(6)**; S.I. 2022/520, reg. 5(j)
- F6** Words in s. 64(4) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(7)**; S.I. 2022/520, reg. 5(j)
- F7** Words in s. 64(5) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(7)**; S.I. 2022/520, reg. 5(j)
- F8** Words in s. 64(6) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(7)**; S.I. 2022/520, reg. 5(j)
- F9** Words in s. 64(7) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(7)**; S.I. 2022/520, reg. 5(j)
- F10** Words in s. 64(9) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 7 para. 9(7)**; S.I. 2022/520, reg. 5(j)

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#### Commencement Information

- I1** S. 64 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

**Changes to legislation:**

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**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\(2\)\(a\)](#)