



# 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]

#### *Supplemental*

#### 72 [<sup>F1</sup>Public spaces protection orders:] **Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
  - (a) whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) whether to discharge a public spaces protection order (under section 61),must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—

**Changes to legislation:** *Anti-social Behaviour, Crime and Policing Act 2014, Section 72 is up to date with all changes known to be in force on or before 21 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*

- (a) making a public spaces protection order,
  - (b) extending the period for which a public spaces protection order has effect, or
  - (c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- “the necessary consultation” means consulting with—
    - (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
    - (b) whatever community representatives the local authority thinks it appropriate to consult;
    - (c) the owner or occupier of land within the restricted area;
  - “the necessary publicity” means—
    - (a) in the case of a proposed order or variation, publishing the text of it;
    - (b) in the case of a proposed extension or discharge, publicising the proposal;
  - “the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—
    - (a) the parish council or community council (if any) for the area that includes the restricted area;
    - (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
- (a) does not apply to land that is owned and occupied by the local authority;
  - (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.
- (6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.
- (7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

#### **Textual Amendments**

- F1** Words in *s. 72 heading* inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), *s. 208(1)*, [Sch. 7 para. 16](#); *S.I. 2022/520*, *reg. 5(j)*

#### **Commencement Information**

- I1** *S. 72* 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\(2\)\(a\)](#)