



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 4

COMMUNITY PROTECTION

CHAPTER 1

COMMUNITY PROTECTION NOTICES

Failure to comply with notice

49 Remedial orders

- (1) A court before which a person is convicted of an offence under section 48 in respect of a community protection notice may make whatever order the court thinks appropriate for ensuring that what the notice requires to be done is done.
- (2) An order under this section may in particular require the defendant—
 - (a) to carry out specified work, or
 - (b) to allow specified work to be carried out by or on behalf of a specified local authority.
- (3) To be specified under subsection (2)(b) a local authority must be—
 - (a) the local authority that issued the community protection notice;
 - (b) if the community protection notice was not issued by a local authority, the local authority (or, as the case may be, one of the local authorities) that could have issued it.
- (4) A requirement imposed under subsection (2)(b) does not authorise the person carrying out the work to enter the defendant's home without the defendant's consent.

Status: This is the original version (as it was originally enacted).

But this does not prevent a defendant who fails to give that consent from being in breach of the court's order.

- (5) In subsection (4) “the defendant's home” means the house, flat, vehicle or other accommodation where the defendant—
- (a) usually lives, or
 - (b) is living at the time when the work is or would be carried out.
- (6) If work is carried out under subsection (2)(b) and the local authority specified under that subsection issues a notice to the defaulter—
- (a) giving details of the work that was carried out, and
 - (b) specifying an amount that is no more than the cost to the authority of having the work carried out,
- the defaulter is liable to the authority for that amount (subject to the outcome of any appeal under subsection (7)).
- (7) A person issued with a notice under subsection (6) may appeal to a magistrates' court, within the period of 21 days beginning with the day on which the notice was issued, on the ground that the amount specified under subsection (6)(b) is excessive.
- (8) A magistrates' court hearing an appeal under subsection (7) must—
- (a) confirm the amount, or
 - (b) substitute a lower amount.