



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 4

COMMUNITY PROTECTION

CHAPTER 2

PUBLIC SPACES PROTECTION ORDERS [^{F1}AND EXPEDITED ORDERS]

Supplemental

^{F1}69 Powers of community support officers

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Textual Amendments

- F1** S. 69 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 31(c)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

70 Byelaws

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order [^{F2}or an expedited order] is of no effect in relation to the restricted area during the currency of the order.

Status: Point in time view as at 28/06/2022.

Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 June 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)

Textual Amendments

F2 Words in s. 70 inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 14](#); [S.I. 2022/520](#), reg. 5(j)

Commencement Information

II [S. 70](#) in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

71 Bodies other than local authorities with statutory functions in relation to land

- (1) The Secretary of State may by order—
 - (a) designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
 - (b) specify land in England to which the power relates.
- (2) This Chapter has effect as if—
 - (a) a person or body designated under subsection (1) (a “designated person”) were a local authority, and
 - (b) land specified under that subsection were within its area.

But references in the rest of this section to a local authority are to a local authority that is not a designated person.
- (3) The only prohibitions or requirements that may be imposed in a public spaces protection order [^{F3}or an expedited order] made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.
- (4) A public spaces protection order [^{F3}or an expedited order] made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order [^{F3}or an expedited order] made by a local authority.
- (5) Where a public spaces protection order [^{F3}or an expedited order] made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order [^{F3}or an expedited order] made by a designated person already regulates, the order made by the designated person ceases to have that effect.
- (6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated—
 - (a) no part of the land may form, or fall within, the restricted area of any public spaces protection order [^{F4}or expedited order] made by the local authority;
 - (b) if any part of the land—
 - (i) forms the restricted area of a public spaces protection order [^{F5}, or an expedited order,] already made by the local authority, or
 - (ii) falls within such an area,

the order has ceases to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

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Textual Amendments

- F3** Words in s. 71(3)-(5) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 15\(2\)](#); S.I. 2022/520, reg. 5(j)
- F4** Words in s. 71(6)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 15\(3\)\(a\)](#); S.I. 2022/520, reg. 5(j)
- F5** Words in s. 71(6)(b)(i) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 15\(3\)\(b\)](#); S.I. 2022/520, reg. 5(j)

Commencement Information

- I2** [S. 71](#) in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

72 ^[F6] **Public spaces protection orders:] Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
- whether to make a public spaces protection order (under section 59) and if so what it should include,
 - whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
 - whether to vary a public spaces protection order (under section 61) and if so how, or
 - 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—
- making a public spaces protection order,
 - extending the period for which a public spaces protection order has effect, or
 - varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- “the necessary consultation” means consulting with—
- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
 - whatever community representatives the local authority thinks it appropriate to consult;
 - the owner or occupier of land within the restricted area;
- “the necessary publicity” means—
- in the case of a proposed order or variation, publishing the text of it;
 - 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—

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- (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

- F6** 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

- I3** [S. 72](#) in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

[^{F7}72A Expedited orders: Convention rights and consents

- (1) A local authority, in deciding—
- (a) whether to make an expedited order (under section 59A) and if so what it should include,
 - (b) whether to extend or reduce the period for which an expedited order has effect (under section 60A) and if so by how much,
 - (c) whether to vary an expedited order (under section 61) and if so how, or
 - (d) whether to discharge an expedited 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 obtain the necessary consents before—
- (a) making an expedited order,
 - (b) extending or reducing the period for which an expedited order has effect, or
 - (c) varying or discharging an expedited order.
- (4) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(a), “the necessary consents” means the consent of—
- (a) the chief officer of police for the police area that includes the restricted area,
- and

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- (b) a person authorised (whether in specific or general terms) by the appropriate authority for the school or 16 to 19 Academy.
- (5) If the order referred to in subsection (3) was made, or is proposed to be made, in reliance on section 59A(2)(b), “the necessary consents” means the consent of—
- (a) the chief officer of police for the police area that includes the restricted area, and
 - (b) a person authorised by the appropriate NHS authority.
- (6) In this section—
- “appropriate authority” means—
 - (a) in relation to a school maintained by a local authority, the governing body;
 - (b) in relation to any other school or a 16 to 19 Academy, the proprietor;
 - “appropriate NHS authority” means—
 - (a) if the order was made, or is proposed to be made, in reliance on subparagraph (i) of section 59A(2)(b), the NHS body mentioned in that subparagraph;
 - (b) if the order was made, or is proposed to be made, in reliance on subparagraph (ii) of section 59A(2)(b) and the site is in England, the UK Health Security Agency;
 - (c) if the order was made, or is proposed to be made, in reliance on that subparagraph and the site is in Wales, the Local Health Board for the area in which the site is located.
- (7) In this section “proprietor”, in relation to a school or a 16 to 19 Academy, has the meaning given in section 579(1) of the Education Act 1996.

Textual Amendments

- F7** Ss. 72A, 72B inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 82(4), 208(4)(n); S.I. 2022/520, reg. 5(j)

72B Consultation and notifications after making expedited order

- (1) A local authority must carry out the necessary consultation as soon as reasonably practicable after making an expedited order.
- (2) In subsection (1) “necessary consultation” means consulting with the following about the terms and effects of the order—
- (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.
- (3) A local authority must carry out the necessary notification (if any) as soon as reasonably practicable after—
- (a) making an expedited order,
 - (b) extending or reducing the period for which an expedited order has effect, or
 - (c) varying or discharging an expedited order.

Status: Point in time view as at 28/06/2022.

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- (4) In subsection (3) “necessary notification” means notifying the following of the extension, reduction, 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 an expedited order made by a district council in England, the county council (if any) for the area that includes the restricted area;
 - (c) the owner or occupier of land within the restricted area.
- (5) The requirement to notify the owner or occupier of land within the restricted area—
- (a) does not apply to land that is owned or occupied by the local authority;
 - (b) applies only if, and to the extent that, it is reasonably practicable to notify the owner or occupier of the land.]

Textual Amendments

F7 Ss. 72A, 72B inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 82(4), 208(4)(n); S.I. 2022/520, reg. 5(j)

73 Guidance

- (1) The Secretary of State may issue—
- (a) guidance to local authorities about the exercise of their functions under this Chapter and those of persons authorised by local authorities under section 63 or 68;
 - (b) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Part.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

Commencement Information

I4 S. 73 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

74 Interpretation of Chapter 2

- (1) In this Chapter—
- [^{F8}“16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;]
- “alcohol” has the meaning given by section 191 of the Licensing Act 2003;
- “community representative”, in relation to a public spaces protection order that a local authority proposes to make or has made, means any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area;
- [^{F8}“expedited order” has the meaning given by section 59A(1);]
- “local authority” means—

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- (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London (in its capacity as a local authority) or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
[^{F8}“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;]
[^{F8}“NHS body” has the meaning given in section 275 of the National Health Service Act 2006;]
“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;
[^{F9}“restricted area”—
 - (a) in relation to a public spaces protection order, has the meaning given by section 59(4);
 - (b) in relation to an expedited order, has the meaning given by section 59A(5).]]
[^{F8}“school” has the meaning given by section 4 of the Education Act 1996.]
- (2) For the purposes of this Chapter, a public spaces protection order “regulates” an activity if the activity is—
- (a) prohibited by virtue of section 59(4)(a), or
 - (b) subjected to requirements by virtue of section 59(4)(b),
- whether or not for all persons and at all times.
- [^{F10}(3) For the purposes of this Chapter, an expedited order “regulates” an activity if the activity is—
- (a) prohibited by virtue of section 59A(5)(a), or
 - (b) subjected to requirements by virtue of section 59A(5)(b),
- whether or not for all persons and at all times.]

Textual Amendments

- F8** Words in s. 74(1) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(2\)\(a\)](#); S.I. 2022/520, reg. 5(j)
- F9** Words in s. 74(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(2\)\(b\)](#); S.I. 2022/520, reg. 5(j)
- F10** S. 74(3) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 7 para. 17\(3\)](#); S.I. 2022/520, reg. 5(j)

Commencement Information

- I5** S. 74 in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

75 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the orders specified in subsection (2) does not apply in relation to—
- (a) an order specified in that subsection made before the commencement day;
 - (b) anything done in connection with such an order.

Status: Point in time view as at 28/06/2022.

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- (2) The orders are—
- (a) a gating order under Part 8A of the Highways Act 1980;
 - (b) an order under section 13(2) of the Criminal Justice and Police Act 2001 (power of local authority to designate public place for restrictions on alcohol consumption);
 - (c) a dog control order under Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005.
- (3) At the end of the period of 3 years beginning with the commencement day—
- (a) this Chapter has effect in relation to any order specified in subsection (2) that is still in force as if the provisions of the order were provisions of a public spaces protection order;
 - (b) subsection (1) ceases to have effect.

This Part, as it applies by virtue of paragraph (a), has effect with any necessary modifications (and with any modifications specified in an order under section 185(7)).

- (4) In this section “commencement day” means the day on which this Chapter comes into force.

Commencement Information

16 S. 75 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

Status:

Point in time view as at 28/06/2022.

Changes to legislation:

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