



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.

Status: This is the original version (as it was originally enacted).

- (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.