



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER I

ENGLAND AND WALES

Crime and disorder: general

1 Anti-social behaviour orders.

- (1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—
 - (a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and
 - (b) that such an order is necessary to protect persons in the local government area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him;and in this section “relevant authority” means the council for the local government area or any chief officer of police any part of whose police area lies within that area.
- (2) A relevant authority shall not make such an application without consulting each other relevant authority.
- (3) Such an application shall be made by complaint to the magistrates’ court whose commission area includes the place where it is alleged that the harassment, alarm or distress was caused or was likely to be caused.

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 1 is up to date with all changes known to be in force on or before 11 July 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)

- (4) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (an "anti-social behaviour order") which prohibits the defendant from doing anything described in the order.
- (5) For the purpose of determining whether the condition mentioned in subsection (1)(a) above is fulfilled, the court shall disregard any act of the defendant which he shows was reasonable in the circumstances.
- (6) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting from further anti-social acts by the defendant—
- (a) persons in the local government area; and
 - (b) persons in any adjoining local government area specified in the application for the order;
- and a relevant authority shall not specify an adjoining local government area in the application without consulting the council for that area and each chief officer of police any part of whose police area lies within that area.
- (7) An anti-social behaviour order shall have effect for a period (not less than two years) specified in the order or until further order.
- (8) Subject to subsection (9) below, the applicant or the defendant may apply by complaint to the court which made an anti-social behaviour order for it to be varied or discharged by a further order.
- (9) Except with the consent of both parties, no anti-social behaviour order shall be discharged before the end of the period of two years beginning with the date of service of the order.
- (10) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (11) Where a person is convicted of an offence under subsection (10) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of [F1section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] in respect of the offence.
- (12) In this section—
- "the commencement date" means the date of the commencement of this section;
- "local government area" means—
- (a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;
 - (b) in relation to Wales, a county or county borough.

Textual Amendments

F1 Words in s. 1(11) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 192**

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Modifications etc. (not altering text)

- C1** S. 1(11) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**; S.I. 1998/2327, **art. 2(1)(w)** (with savings in arts. 5-8))

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