



# 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

[<sup>F1</sup>(b) that such an order is necessary to protect relevant persons from further anti-social acts by him.

<sup>F2</sup>.....]

[<sup>F3</sup>(1A) In this section and sections 1B and 1E “relevant authority” means—

(a) the council for a local government area;  
[ in relation to England, a county council;]

<sup>F4</sup>(aa)

(b) the chief officer of police of any police force maintained for a police area;

(c) the chief constable of the British Transport Police Force;<sup>F5</sup> . . .

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- (d) any person registered under section 1 of the Housing Act 1996 (c. 52) as a social landlord who provides or manages any houses or hostel in a local government area.<sup>[F6]</sup> or
- (e) a housing action trust established by order in pursuance of section 62 of the Housing Act 1988.]]

<sup>[F7]</sup>(1B) In this section “relevant persons” means—

- (a) in relation to a relevant authority falling within paragraph (a) of subsection (1A), persons within the local government area of that council;
- <sup>[F8]</sup>(aa) [ in relation to a relevant authority falling within paragraph (aa) of subsection (1A), persons within the county of the county council;]
- (b) in relation to a relevant authority falling within paragraph (b) of that subsection, persons within the police area;
- (c) in relation to a relevant authority falling within paragraph (c) of that subsection—
- (i) <sup>[F9]</sup>“persons who are within or likely to be within a place specified in section 31(1) (a) to (f) of the Railways and Transport Safety Act 2003 in a local government area; or]
- (ii) <sup>[F10]</sup>persons who are within or likely to be within such a place;]
- (d) in relation to a relevant authority falling within paragraph (d) <sup>[F11]</sup>or (e)] of that subsection—
  - (i) persons who are residing in or who are otherwise on or likely to be on premises provided or managed by that authority; or
  - (ii) persons who are in the vicinity of or likely to be in the vicinity of such premises.]

(2) <sup>[F12]</sup>.....

(3) Such an application shall be made by complaint to the magistrates’ court whose commission area includes <sup>[F13]</sup>the local government area or police area concerned]

(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.

<sup>[F14]</sup>(6) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting persons (whether relevant persons or persons elsewhere in England and Wales) from further anti-social acts by the defendant.]

(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.

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- (10) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he <sup>F15</sup>is guilty of an offence and] 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.
- <sup>F16</sup>(10A) The following may bring proceedings for an offence under subsection (10)—
- (a) a council which is a relevant authority;
  - (b) the council for the local government area in which a person in respect of whom an anti-social behaviour order has been made resides or appears to reside.
- (10B) If proceedings for an offence under subsection (10) are brought in a youth court section 47(2) of the Children and Young Persons Act 1933 (c. 12) has effect as if the persons entitled to be present at a sitting for the purposes of those proceedings include one person authorised to be present by a relevant authority.]
- (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 <sup>F17</sup>section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] in respect of the offence.
- (12) In this section—
- <sup>F18</sup>“British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]
  - “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.
- <sup>F19</sup>  
. . .

#### Textual Amendments

- F1** S. 1(1)(b) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 61(2) (with s. 61(10)); S.I. 2002/2750, art. 2(a)(vii)
- F2** Words in s. 1(1) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), ss. 61(3), 107(2), Sch. 8 (with s. 61(10)); S.I. 2002/2750, art. 2(a)(vii)(b)(iii)
- F3** S. 1(1A) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 61(4) (with s. 61(10)); S.I. 2002/2750, art. 2(a)(vii)
- F4** S. 1(1A)(aa) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 85(2)(a), 93(1); S.I. 2003/3300, art. 2(f)(i)
- F5** Word following s. 1(1A)(c) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 85(2)(b), 92, 93(1), Sch. 3; S.I. 2003/3300, art. 2(f)(i)(g)(ii)(e)
- F6** S. 1(1A)(e) and preceding word inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 85(2)(c), 93(1); S.I. 2003/3300, art. 2(f)(i)
- F7** S. 1(1B) inserted (2.12.2002) by Police Reform Act 2002 (c. 30), s. 61(4) (with s. 61(10)); S.I. 2002/2750, art. 2(a)(vii)
- F8** S. 1(1B)(aa) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 85(3)(a), 93(1); S.I. 2003/3300, art. 2(f)(i)

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- F9** S. 1(1B)(c)(i) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(5)(a)**
- F10** S. 1(1B)(c)(ii) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), {art. 12(5)(b)}
- F11** Words in s. 1(1B)(d) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 85(3)(b), 93(1)**; S.I. 2003/3300, **art. 2(f)(i)**
- F12** S. 1(2) repealed (2.12.2002) by Police Reform Act 2002 (c. 30), **ss. 61(5), 107(2), Sch. 8** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)(b)(iii)(c)**
- F13** Words in s. 1(3) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(6)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**
- F14** S. 1(6) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(7)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**
- F15** Words in s. 1(10) substituted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(8)** (with s. 61(10)); S.I. 2002/2750 {art. 2(a)(vii)}
- F16** S. 1(10A)(10B) inserted (20.1.2004 in relation to s. 1(10B) and 31.3.2004 otherwise) by Anti-social Behaviour Act 2003 (c. 38), **ss. 85(4), 93(1)**; S.I. 2003/3300, **art. 2(f)(i)**; S.I. 2004/690, **art. 2(b)(i)**
- F17** Words in s. 1(11) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 192**
- F18** S. 1(12): definition of "British Transport Police Force" inserted (2.12.2002) by Police Reform Act 2002 (c. 30), **s. 61(9)** (with s. 61(10)); S.I. 2002/2750, **art. 2(a)(vii)**; and that definition ceased to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120(1), **Sch. 5 para. 4(1)(b)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**
- F19** S. 1(12): definition of "policed premises" repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(5)(d)**

**Modifications etc. (not altering text)**

- C1** S. 1 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73(1), 120(1), **Sch. 5 para. 4(1)(a)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**
- C2** 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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