



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

#### CHAPTER I

##### ENGLAND AND WALES

##### *Crime and disorder: general*

#### [<sup>F1</sup>1C Orders on conviction in criminal proceedings

- (1) This section applies where a person (the “offender”) is convicted of a relevant offence.
- (2) If the court considers—
  - (a) that the offender has acted, at any time 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 an order under this section is necessary to protect persons in any place in England and Wales from further anti-social acts by him,it may make an order which prohibits the offender from doing anything described in the order.
- (3) The court may make an order under this section
  - [<sup>F2</sup>(a) if the prosecutor asks it to do so, or
  - (b) if the court thinks it is appropriate to do so.]

[ For the purpose of deciding whether to make an order under this section the court may <sup>F3</sup>(3A) consider evidence led by the prosecution and the defence.

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*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 1C is up to date with all changes known to be in force on or before 16 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)*

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- (3B) It is immaterial whether evidence led in pursuance of subsection (3A) would have been admissible in the proceedings in which the offender was convicted.]
- (4) An order under this section shall not be made except—
- (a) in addition to a sentence imposed in respect of the relevant offence; or
  - (b) in addition to an order discharging him conditionally.
- (5) An order under this section takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.
- (6) An offender subject to an order under this section may apply to the court which made it for it to be varied or discharged.
- (7) In the case of an order under this section made by a magistrates' court, the reference in subsection (6) to the court by which the order was made includes a reference to any magistrates' court [<sup>F4</sup>acting in the same local justice area] as that court.
- (8) No application may be made under subsection (6) for the discharge of an order before the end of the period of two years beginning with the day on which the order takes effect.
- (9) Subsections (7), (10) and (11) of section 1 apply for the purposes of the making and effect of orders made by virtue of this section as they apply for the purposes of the making and effect of anti-social behaviour orders.
- [ The council for the local government area in which a person in respect of whom an
- <sup>F5</sup>(9A) anti-social behaviour order has been made resides or appears to reside may bring proceedings under section 1(10) (as applied by subsection (9) above) for breach of an order under subsection (2) above.
- (9B) Subsection (9C) applies in relation to proceedings in which an order under subsection (2) is made against a child or young person who is convicted of an offence.
- (9C) In so far as the proceedings relate to the making of the order—
- (a) section 49 of the Children and Young Persons Act 1933 (c. 12) (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the child or young person against whom the order is made;
  - (b) section 39 of that Act (power to prohibit publication of certain matter) does so apply.]

(10) In this section—

[<sup>F6</sup>“child” and “young person” have the same meaning as in the Children and Young Persons Act 1933 (c. 12);]

“the commencement date” has the same meaning as in section 1 above;

“the court” in relation to an offender means—

    - (a) the court by or before which he is convicted of the relevant offence; or
    - (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court; and

“relevant offence” means an offence committed after the coming into force of section 64 of the Police Reform Act 2002 (c. 30).]

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#### Textual Amendments

- F1** S. 1C inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), [s. 64](#); S.I. 2002/2750, [art. 2\(a\)\(vii\)](#)
- F2** S. 1C(3)(a)(b) substituted (31.3.2004) for words in s. 10(3) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [s. 86\(1\)](#), 93(1); S.I. 2004/690, [art. 2\(b\)\(iii\)](#)
- F3** S. 1C(3A)(3B) inserted (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [s. 86\(2\)](#), 93(1); S.I. 2004/690, [art. 2\(b\)\(iii\)](#)
- F4** Words in s. 1C(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 56](#)
- F5** S. 1C(9A)-(9C) inserted (20.1.2004 in relation to s. 1C(9B)(9C), otherwise 31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 86\(3\)](#), 93(1); S.I. 2003/3300, [art. 2\(f\)\(ii\)](#); S.I. 2004/690 {[art. 2\(b\)\(iii\)](#)}
- F6** S. 1C(10): definitions of "child" and "young person" inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 86\(4\)](#), 93(1); S.I. 2003/3300, [art. 2\(f\)\(ii\)](#)

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