



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 7

PUBLIC ORDER AND TRESPASS

61 Failure to comply with direction: offences

After section 62A of the Criminal Justice and Public Order Act 1994 (c. 33) (inserted by section 60) insert—

“62B Failure to comply with direction under section 62A: offences

- (1) A person commits an offence if he knows that a direction under section 62A(1) has been given which applies to him and—
 - (a) he fails to leave the relevant land as soon as reasonably practicable, or
 - (b) he enters any land in the area of the relevant local authority as a trespasser before the end of the relevant period with the intention of residing there.
- (2) The relevant period is the period of 3 months starting with the day on which the direction is given.
- (3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.
- (4) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.
- (5) In proceedings for an offence under this section it is a defence for the accused to show—
 - (a) that he was not trespassing on the land in respect of which he is alleged to have committed the offence, or
 - (b) that he had a reasonable excuse—

Status: This is the original version (as it was originally enacted).

- (i) for failing to leave the relevant land as soon as reasonably practicable, or
 - (ii) for entering land in the area of the relevant local authority as a trespasser with the intention of residing there, or
- (c) that, at the time the direction was given, he was under the age of 18 years and was residing with his parent or guardian.”