



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 9

#### MISCELLANEOUS POWERS

#### **86 Certain orders made on conviction of offences**

- (1) In section 1C of the Crime and Disorder Act 1998 (c. 37) (orders on conviction of an offence to prevent anti-social acts) in subsection (3) for the words from “whether or not” to the end there is substituted “—
  - (a) if the prosecutor asks it to do so, or
  - (b) if the court thinks it is appropriate to do so.”
- (2) After subsection (3) of that section there are inserted the following subsections—
  - “(3A) For the purpose of deciding whether to make an order under this section the court may consider evidence led by the prosecution and the defence.
  - (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.”
- (3) After subsection (9) of that section there are inserted the following subsections—
  - “(9A) 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 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

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*Status: Point in time view as at 30/09/2004. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 86. (See end of Document for details)*

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- 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.”
- (4) In subsection (10) of that section before the entry relating to “the commencement date” there is inserted—
- ““child” and “young person” have the same meaning as in the Children and Young Persons Act 1933 (c. 12);”.
- (5) In section 14A of the Football Spectators Act 1989 (c. 37) after subsection (3) there are inserted the following subsections—
- “(3A) For the purpose of deciding whether to make an order under this section the court may consider evidence led by the prosecution and the defence.
- (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.”
- (6) In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions) after paragraph (f) the word “and” is omitted and there is inserted the following paragraph—
- “(fa) to have the conduct of applications for orders under section 1C of the Crime and Disorder Act 1998 (orders made on conviction of certain offences) and section 14A of the Football Spectators Act 1989 (banning orders made on conviction of certain offences);”.

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**Commencement Information**

- I1** S. 86(1)(2) in force at 31.3.2004 by [S.I. 2004/690](#), [art. 2\(b\)\(iii\)](#)
- I2** S. 86(3) in force at 20.1.2004 for specified purposes by [S.I. 2003/3300](#), [art. 2\(f\)\(i\)](#)
- I3** S. 86(3) in force at 31.3.2004 in so far as not already in force by [S.I. 2004/690](#), [art. 2\(b\)\(iii\)](#)
- I4** S. 86(4)-(6) in force at 20.1.2004 by [S.I. 2003/3300](#), [art. 2\(f\)\(ii\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 86.