



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 4

#### PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

##### *Anti-social behaviour*

#### **139 Orders about anti-social behaviour etc.**

- (1) The Crime and Disorder Act 1998 (c. 37) is amended as provided in subsections (2) to (9).
- (2) In section 1 (anti-social behaviour orders), after subsection (10B) insert—

“(10C) In proceedings for an offence under subsection (10), a copy of the original anti-social behaviour order, certified as such by the proper officer of the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.”
- (3) The existing text of section 1A (power of Secretary of State to add to relevant authorities) is to be subsection (1) of that section, and after that subsection add—

“(2) The Secretary of State may by order—

  - (a) provide that a person or body of any other description specified in the order is, in such cases and circumstances as may be prescribed by the order, to be a relevant authority for the purposes of such of sections 1 above and 1B, 1CA and 1E below as are specified in the order; and
  - (b) prescribe the description of persons who are to be “relevant persons” in relation to that person or body.”

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*Status: This is the original version (as it was originally enacted).*

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- (4) In section 1C (orders about anti-social behaviour on conviction in criminal proceedings)—
- (a) after subsection (4) insert—
- “(4A) The court may adjourn any proceedings in relation to an order under this section even after sentencing the offender.
- (4B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.
- (4C) But the court may not issue a warrant for the offender’s arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.”
- (b) in subsection (9), after “(10)” insert “, (10C)”.
- (5) Section 1D (interim orders) is amended as provided in subsections (6) to (9).
- (6) For subsections (1) and (2) substitute—
- “(1) This section applies where—
- (a) an application is made for an anti-social behaviour order;
- (b) an application is made for an order under section 1B;
- (c) a request is made by the prosecution for an order under section 1C; or
- (d) the court is minded to make an order under section 1C of its own motion.
- (2) If, before determining the application or request, or before deciding whether to make an order under section 1C of its own motion, the court considers that it is just to make an order under this section pending the determination of that application or request or before making that decision, it may make such an order.”
- (7) In subsection (4)(c), for “main application” substitute “application or request mentioned in subsection (1), or on the court’s making a decision as to whether or not to make an order under section 1C of its own motion.”
- (8) In subsection (5), at the beginning insert “In relation to cases to which this section applies by virtue of paragraph (a) or (b) of subsection (1),”.
- (9) After subsection (5) add—
- “(6) In relation to cases to which this section applies by virtue of paragraph (c) or (d) of subsection (1)—
- (a) subsections (6) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders under this section as they apply for the purposes of the making and effect of anti-social behaviour orders; and
- (b) section 1CA applies for the purposes of the variation or discharge of an order under this section as it applies for the purposes of the variation or discharge of an order under section 1C.”
- (10) In section 14A of the Football Spectators Act 1989 (c. 37) (banning orders on conviction of an offence), after subsection (4) insert—

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

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- “(4A) The court may adjourn any proceedings in relation to an order under this section even after sentencing the offender.
- (4B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.
- (4C) But the court may not issue a warrant for the offender’s arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.”