



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

VALID FROM 23/03/2015

### PART 1

#### INJUNCTIONS

##### *Injunctions*

#### **1 Power to grant injunctions**

- (1) A court may grant an injunction under this section against a person aged 10 or over (“the respondent”) if two conditions are met.
- (2) The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour.
- (3) The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour.
- (4) An injunction under this section may for the purpose of preventing the respondent from engaging in anti-social behaviour—
  - (a) prohibit the respondent from doing anything described in the injunction;
  - (b) require the respondent to do anything described in the injunction.
- (5) Prohibitions and requirements in an injunction under this section must, so far as practicable, be such as to avoid—
  - (a) any interference with the times, if any, at which the respondent normally works or attends school or any other educational establishment;

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(b) any conflict with the requirements of any other court order or injunction to which the respondent may be subject.

- (6) An injunction under this section must—
- (a) specify the period for which it has effect, or
  - (b) state that it has effect until further order.

In the case of an injunction granted before the respondent has reached the age of 18, a period must be specified and it must be no more than 12 months.

- (7) An injunction under this section may specify periods for which particular prohibitions or requirements have effect.
- (8) An application for an injunction under this section must be made to—
- (a) a youth court, in the case of a respondent aged under 18;
  - (b) the High Court or the county court, in any other case.

Paragraph (b) is subject to any rules of court made under section 18(2).

## 2 Meaning of “anti-social behaviour”

- (1) In this Part “anti-social behaviour” means—
- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
  - (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - (c) conduct capable of causing housing-related nuisance or annoyance to any person.
- (2) Subsection (1)(b) applies only where the injunction under section 1 is applied for by—
- (a) a housing provider,
  - (b) a local authority, or
  - (c) a chief officer of police.
- (3) In subsection (1)(c) “housing-related” means directly or indirectly relating to the housing management functions of—
- (a) a housing provider, or
  - (b) a local authority.
- (4) For the purposes of subsection (3) the housing management functions of a housing provider or a local authority include—
- (a) functions conferred by or under an enactment;
  - (b) the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

### *Contents of injunctions*

## 3 Requirements included in injunctions

- (1) An injunction under section 1 that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

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The person may be an individual or an organisation.

- (2) Before including a requirement, the court must receive evidence about its suitability and enforceability from—
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (3) Before including two or more requirements, the court must consider their compatibility with each other.
- (4) It is the duty of a person specified under subsection (1)—
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
  - (b) to promote the respondent's compliance with the relevant requirements;
  - (c) if the person considers that the respondent—
    - (i) has complied with all the relevant requirements, or
    - (ii) has failed to comply with a relevant requirement,to inform the person who applied for the injunction and the appropriate chief officer of police.
- (5) In subsection (4)(c) “the appropriate chief officer of police” means—
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the respondent lives, or
  - (b) if it appears to that person that the respondent lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.
- (6) A respondent subject to a requirement included in an injunction under section 1 must—
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time;
  - (b) notify the person of any change of address.

These obligations have effect as requirements of the injunction.

#### **4 Power of arrest**

- (1) A court granting an injunction under section 1 may attach a power of arrest to a prohibition or requirement of the injunction if the court thinks that—
  - (a) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or
  - (b) there is a significant risk of harm to other persons from the respondent.

“Requirement” here does not include one that has the effect of requiring the respondent to participate in particular activities.

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- (2) If the court attaches a power of arrest, the injunction may specify a period for which the power is to have effect which is shorter than that of the prohibition or requirement to which it relates.

### *Applications for injunctions*

## **5 Applications for injunctions**

- (1) An injunction under section 1 may be granted only on the application of—
- (a) a local authority,
  - (b) a housing provider,
  - (c) the chief officer of police for a police area,
  - (d) the chief constable of the British Transport Police Force,
  - (e) Transport for London,
  - (f) the Environment Agency,
  - (g) the Natural Resources Body for Wales,
  - (h) the Secretary of State exercising security management functions, or a Special Health Authority exercising security management functions on the direction of the Secretary of State, or
  - (i) the Welsh Ministers exercising security management functions, or a person or body exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person or body.
- (2) In subsection (1) “security management functions” means—
- (a) the Secretary of State's security management functions within the meaning given by section 195(3) of the National Health Service Act 2006;
  - (b) the functions of the Welsh Ministers corresponding to those functions.
- (3) A housing provider may make an application only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions.
- (4) For the purposes of subsection (3) the housing management functions of a housing provider include—
- (a) functions conferred by or under an enactment;
  - (b) the powers and duties of the housing provider as the holder of an estate or interest in housing accommodation.
- (5) The Secretary of State may by order—
- (a) amend this section;
  - (b) amend section 20 in relation to expressions used in this section.

## **6 Applications without notice**

- (1) An application for an injunction under section 1 may be made without notice being given to the respondent.
- (2) If an application is made without notice the court must either—
- (a) adjourn the proceedings and grant an interim injunction (see section 7), or

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- (b) adjourn the proceedings without granting an interim injunction, or
- (c) dismiss the application.

### *Interim injunctions*

## **7 Interim injunctions**

- (1) This section applies where the court adjourns the hearing of an application (whether made with notice or without) for an injunction under section 1.
- (2) The court may grant an injunction under that section lasting until the final hearing of the application or until further order (an “interim injunction”) if the court thinks it just to do so.
- (3) An interim injunction made at a hearing of which the respondent was not given notice may not have the effect of requiring the respondent to participate in particular activities.
- (4) Subject to that, the court has the same powers (including powers under section 4) whether or not the injunction is an interim injunction.

### *Variation and discharge*

## **8 Variation or discharge of injunctions**

- (1) The court may vary or discharge an injunction under section 1 on the application of—
  - (a) the person who applied for the injunction, or
  - (b) the respondent.
- (2) In subsection (1) “the court” means—
  - (a) the court that granted the injunction, except where paragraph (b) applies;
  - (b) the county court, where the injunction was granted by a youth court but the respondent is aged 18 or over.
- (3) The power to vary an injunction includes power—
  - (a) to include an additional prohibition or requirement in the injunction, or to extend the period for which a prohibition or requirement has effect;
  - (b) to attach a power of arrest, or to extend the period for which a power of arrest has effect.
- (4) If an application under this section is dismissed, the party by which the dismissed application was made may make no further application under this section without—
  - (a) the consent of the court, or
  - (b) the agreement of the other party.
- (5) Section 3 applies to additional requirements included under subsection (3)(a) above as it applies to requirements included in a new injunction.

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### *Breach of injunctions*

#### **9 Arrest without warrant**

- (1) Where a power of arrest is attached to a provision of an injunction under section 1, a constable may arrest the respondent without warrant if he or she has reasonable cause to suspect that the respondent is in breach of the provision.
- (2) A constable who arrests a person under subsection (1) must inform the person who applied for the injunction.
- (3) A person arrested under subsection (1) must, within the period of 24 hours beginning with the time of the arrest, be brought before—
  - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- (4) In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- (5) The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
- (6) The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

#### **10 Issue of arrest warrant**

- (1) If the person who applied for an injunction under section 1 thinks that the respondent is in breach of any of its provisions, the person may apply for the issue of a warrant for the respondent's arrest.
- (2) The application must be made to—
  - (a) a judge of the High Court, if the injunction was granted by the High Court;
  - (b) a judge of the county court, if—
    - (i) the injunction was granted by the county court, or
    - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
  - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
- (3) A judge or justice may issue a warrant under this section only if the judge or justice has reasonable grounds for believing that the respondent is in breach of a provision of the injunction.
- (4) A warrant issued by a judge of the High Court must require the respondent to be brought before that court.
- (5) A warrant issued by a judge of the county court must require the respondent to be brought before that court.

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- (6) A warrant issued by a justice of the peace must require the respondent to be brought before—
  - (a) the youth court that granted the injunction, if the person is aged under 18;
  - (b) the county court, if the person is aged 18 or over.
- (7) A constable who arrests a person under a warrant issued under this section must inform the person who applied for the injunction.
- (8) If the respondent is brought before a court by virtue of a warrant under this section but the matter is not disposed of straight away, the court may remand the respondent.

## **11 Remands**

Schedule 1 (remands under sections 9 and 10) has effect.

## **12 Powers in respect of under-18s**

Schedule 2 (breach of injunctions: powers of court in respect of under-18s) has effect.

### *Exclusion from home*

## **13 Power to exclude person from home in cases of violence or risk of harm**

- (1) An injunction under section 1 may have the effect of excluding the respondent from the place where he or she normally lives (“the premises”) only if—
  - (a) the respondent is aged 18 or over,
  - (b) the injunction is granted on the application of—
    - (i) a local authority,
    - (ii) the chief officer of police for the police area that the premises are in, or
    - (iii) if the premises are owned or managed by a housing provider, that housing provider, and
  - (c) the court thinks that—
    - (i) the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or
    - (ii) there is a significant risk of harm to other persons from the respondent.
- (2) For the purposes of this section a housing provider owns a place if—
  - (a) the housing provider is a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the place, whether in possession or in reversion, or
  - (b) the housing provider is a person who holds or is entitled to the rents and profits of the place under a lease that (when granted) was for a term of not less than 3 years.

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### *Supplemental*

#### **14 Requirements to consult etc**

- (1) A person applying for an injunction under section 1 must before doing so—
- (a) consult the local youth offending team about the application, if the respondent will be aged under 18 when the application is made;
  - (b) inform any other body or individual the applicant thinks appropriate of the application.

This subsection does not apply to a without-notice application.

- (2) Where the court adjourns a without-notice application, before the date of the first on-notice hearing the applicant must—
- (a) consult the local youth offending team about the application, if the respondent will be aged under 18 on that date;
  - (b) inform any other body or individual the applicant thinks appropriate of the application.
- (3) A person applying for variation or discharge of an injunction under section 1 granted on that person's application must before doing so—
- (a) consult the local youth offending team about the application for variation or discharge, if the respondent will be aged under 18 when that application is made;
  - (b) inform any other body or individual the applicant thinks appropriate of that application.

- (4) In this section—

“local youth offending team” means—

- (a) the youth offending team in whose area it appears to the applicant that the respondent lives, or
- (b) if it appears to the applicant that the respondent lives in more than one such area, whichever one or more of the relevant youth offending teams the applicant thinks it appropriate to consult;

“on-notice hearing” means a hearing of which notice has been given to the applicant and the respondent in accordance with rules of court;

“without-notice application” means an application made without notice under section 6.

#### **15 Appeals against decisions of youth courts**

- (1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.
- (2) On an appeal under this section the Crown Court may make—
- (a) whatever orders are necessary to give effect to its determination of the appeal;
  - (b) whatever incidental or consequential orders appear to it to be just.
- (3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by the youth court) is to be treated for the purposes of section 8 as an order of the youth court.



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## **16 Special measures for witnesses**

- (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to proceedings under this Part as it applies to criminal proceedings, but with—
  - (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and
  - (b) any other necessary modifications.
- (2) The provisions are—
  - (a) section 17(4) to (7);
  - (b) section 21(4C)(e);
  - (c) section 22A;
  - (d) section 27(10);
  - (e) section 32.
- (3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to proceedings under this Part—
  - (a) to the extent provided by rules of court, and
  - (b) subject to any modifications provided by rules of court.
- (4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—
  - (a) to a direction under section 19 of that Act as applied by this section;
  - (b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

## **17 Children and young persons: disapplication of reporting restrictions**

Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply to proceedings under this Part.

## **18 Rules of court**

- (1) Rules of court may provide that an appeal from a decision of the High Court, the county court or a youth court—
  - (a) to dismiss an application for an injunction under section 1 made without notice being given to the respondent, or
  - (b) to refuse to grant an interim injunction when adjourning proceedings following such an application,may be made without notice being given to the respondent.
- (2) Rules of court may provide for a youth court to give permission for an application for an injunction under section 1 against a person aged 18 or over to be made to the youth court if—
  - (a) an application to the youth court has been made, or is to be made, for an injunction under that section against a person aged under 18, and
  - (b) the youth court thinks that it would be in the interests of justice for the applications to be heard together.

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- (3) In relation to a respondent attaining the age of 18 after proceedings under this Part have begun, rules of court may—
- (a) provide for the transfer of the proceedings from the youth court to the High Court or the county court;
  - (b) prescribe circumstances in which the proceedings may or must remain in the youth court.

## **19 Guidance**

- (1) The Secretary of State may issue guidance to persons entitled to apply for injunctions under section 1 (see section 5) about the exercise of their functions under this Part.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

## **20 Interpretation etc**

- (1) In this Part—
  - “anti-social behaviour” has the meaning given by section 2;
  - “harm” includes serious ill-treatment or abuse, whether physical or not;
  - “housing accommodation” includes—
    - (a) flats, lodging-houses and hostels;
    - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
    - (c) any common areas used in connection with the accommodation;
  - “housing provider” means—
    - (a) a housing trust, within the meaning given by section 2 of the Housing Associations Act 1985, that is a charity;
    - (b) a housing action trust established under section 62 of the Housing Act 1988;
    - (c) in relation to England, a non-profit private registered provider of social housing;
    - (d) in relation to Wales, a Welsh body registered as a social landlord under section 3 of the Housing Act 1996;
    - (e) any body (other than a local authority or a body within paragraphs (a) to (d)) that is a landlord under a secure tenancy within the meaning given by section 79 of the Housing Act 1985;
  - “local authority” means—
    - (a) in relation to England, a district council, a county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
    - (b) in relation to Wales, a county council or a county borough council;
  - “respondent” has the meaning given by section 1(1).
- (2) A person's age is treated for the purposes of this Part as being that which it appears to the court to be after considering any available evidence.

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## 21 Saving and transitional provision

- (1) In this section “existing order” means any of the following injunctions and orders—
- (a) an anti-social behaviour injunction under section 153A of the Housing Act 1996;
  - (b) an injunction under section 153B of that Act (injunction against unlawful use of premises);
  - (c) an injunction in which anything is included by virtue of section 153D(3) or (4) of that Act (power to include provision banning person from premises or area, or to include power of arrest, in injunction against breach of tenancy agreement);
  - (d) an order under section 1 or 1B of the Crime and Disorder Act 1998 (anti-social behaviour orders etc);
  - (e) an individual support order under section 1AA of that Act made in connection with an order under section 1 or 1B of that Act;
  - (f) an intervention order under section 1G of that Act;
  - (g) a drinking banning order under section 3 or 4 of the Violent Crime Reduction Act 2006.
- (2) The repeal or amendment by this Act of provisions about any of the existing orders specified in subsection (1)(a) to (d), (f) and (g) does not apply in relation to—
- (a) an application made before the commencement day for an existing order;
  - (b) an existing order (whether made before or after that day) applied for before that day;
  - (c) anything done in connection with such an application or order.
- (3) The repeal or amendment by this Act of provisions about an order specified in subsection (1)(e) does not apply in relation to—
- (a) an individual support order made before the commencement day;
  - (b) anything done in connection with such an order.
- (4) As from the commencement day there may be no variation of an existing order that extends the period of the order or of any of its provisions.
- (5) At the end of the period of 5 years beginning with the commencement day—
- (a) in relation to any of the existing orders specified in subsection (1)(a), (b) and (d) to (g) that is still in force, this Part has effect, with any necessary modifications (and with any modifications specified in an order under section 185(7)), as if the provisions of the order were provisions of an injunction under section 1;
  - (b) the provisions of this Part set out in subsection (6) apply to any injunction specified in subsection (1)(c) that is still in force as they apply to an injunction under section 1;
  - (c) subsections (2) to (4) cease to have effect.
- (6) The provisions referred to in subsection (5)(b) are—
- (a) section 1(7);
  - (b) sections 4(2) and 9 (if a power of arrest is attached);
  - (c) sections 6 to 8;
  - (d) section 10;
  - (e) section 11 and Schedule 1;

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(f) section 12 and Schedule 2;

(g) section 18(1).

(7) In deciding whether to grant an injunction under section 1 a court may take account of conduct occurring up to 6 months before the commencement day.

(8) In this section “commencement day” means the day on which this Part comes into force.

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