



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 2

CRIMINAL BEHAVIOUR ORDERS

Criminal behaviour orders

22 Power to make orders

- (1) This section applies where a person (“the offender”) is convicted of an offence.
- (2) The court may make a criminal behaviour order against the offender if two conditions are met.
- (3) The first condition is that the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person.
- (4) The second condition is that the court considers that making the order will help in preventing the offender from engaging in such behaviour.
- (5) A criminal behaviour order is an order which, for the purpose of preventing the offender from engaging in such behaviour—
 - (a) prohibits the offender from doing anything described in the order;
 - (b) requires the offender to do anything described in the order.
- (6) The court may make a criminal behaviour order against the offender only if it is made in addition to—
 - (a) a sentence imposed in respect of the offence, or
 - (b) an order discharging the offender conditionally.

- (7) The court may make a criminal behaviour order against the offender only on the application of the prosecution.
- (8) The prosecution must find out the views of the local youth offending team before applying for a criminal behaviour order to be made if the offender will be under the age of 18 when the application is made.
- (9) Prohibitions and requirements in a criminal behaviour order must, so far as practicable, be such as to avoid—
 - (a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment;
 - (b) any conflict with the requirements of any other court order or injunction to which the offender may be subject.
- (10) In this section “local youth offending team” means—
 - (a) the youth offending team in whose area it appears to the prosecution that the offender lives, or
 - (b) if it appears to the prosecution that the offender lives in more than one such area, whichever one or more of the relevant youth offending teams the prosecution thinks appropriate.

23 Proceedings on an application for an order

- (1) For the purpose of deciding whether to make a criminal behaviour order the court may consider evidence led by the prosecution and evidence led by the offender.
- (2) It does not matter whether the evidence would have been admissible in the proceedings in which the offender was convicted.
- (3) The court may adjourn any proceedings on an application for a criminal behaviour order even after sentencing the offender.
- (4) If the offender does not appear for any adjourned proceedings the court may—
 - (a) further adjourn the proceedings,
 - (b) issue a warrant for the offender’s arrest, or
 - (c) hear the proceedings in the offender’s absence.
- (5) The court may not act under paragraph (b) of subsection (4) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.
- (6) The court may not act under paragraph (c) of subsection (4) unless it is satisfied that the offender—
 - (a) has had adequate notice of the time and place of the adjourned proceedings, and
 - (b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in his or her absence.
- (7) Subsection (8) applies in relation to proceedings in which a criminal behaviour order is made against an offender who is under the age of 18.
- (8) In so far as the proceedings relate to the making of the order—
 - (a) 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 in respect of the offender;

- (b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.

24 Requirements included in orders

- (1) A criminal behaviour order that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

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 offender’s compliance with the relevant requirements;
- (c) if the person considers that the offender—
 - (i) has complied with all the relevant requirements, or
 - (ii) has failed to comply with a relevant requirement,to inform the prosecution 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 offender lives, or
- (b) if it appears to that person that the offender lives in more than one police area, whichever of the relevant chief officers of police that person thinks it most appropriate to inform.

- (6) An offender subject to a requirement in a criminal behaviour order 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 order.

25 Duration of order etc

- (1) A criminal behaviour order takes effect on the day it is made, subject to subsection (2).

- (2) If on the day a criminal behaviour order (“the new order”) is made the offender is subject to another criminal behaviour order (“the previous order”), the new order may be made so as to take effect on the day on which the previous order ceases to have effect.

- (3) A criminal behaviour order must specify the period (“the order period”) for which it has effect.
- (4) In the case of a criminal behaviour order made before the offender has reached the age of 18, the order period must be a fixed period of—
 - (a) not less than 1 year, and
 - (b) not more than 3 years.
- (5) In the case of a criminal behaviour order made after the offender has reached the age of 18, the order period must be—
 - (a) a fixed period of not less than 2 years, or
 - (b) an indefinite period (so that the order has effect until further order).
- (6) A criminal behaviour order may specify periods for which particular prohibitions or requirements have effect.