
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 50

CIVIL BEHAVIOUR ORDERS AFTER VERDICT OR FINDING

When this Part applies

50.1.—(1) This Part applies in magistrates' courts and in the Crown Court where the court could decide to make, vary or revoke a civil order—

- (a) under a power that the court can exercise after reaching a verdict or making a finding, and
- (b) that requires someone to do, or not do, something.

(2) A reference to a 'behaviour order' in this Part is a reference to any such order.

(3) A reference to 'hearsay evidence' in this Part is a reference to evidence consisting of hearsay within the meaning of section 1(2) of the Civil Evidence Act 1995(1).

[Note. In the circumstances set out in the Acts listed, the court can make a behaviour order:

- (a) *on conviction, under—*
 - (i) *section 14A of the Football Spectators Act 1989(2) (football banning orders),*
 - (ii) *section 5 of the Protection from Harassment Act 1997(3) (restraining orders),*
 - (iii) *sections 1C and 1D of the Crime and Disorder Act 1998(4) (anti-social behaviour orders and interim anti-social behaviour orders),*
 - (iv) *sections 8 and 9 of the Crime and Disorder Act 1998(5) (parenting orders),*

(1) 1995 c. 38.

(2) 1989 c. 37; section 14A was amended by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25), section 86(5) of the Anti-Social Behaviour Act 2003 (c. 38), section 139(10) of the Serious Organised Crime and Police Act 2005 (c. 15) and sections 52(2) and 65 of, and paragraphs 1 and 2 of Schedule 3 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38).

(3) 1997 c. 40; section 5 was amended by sections 12 and 58 of, and paragraph 43 of Schedule 10 and 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28) and by section 125 of the Serious Organised Crime and Police Act 2005 (c. 15).

(4) 1998 c. 37; section 1C was inserted by section 64 of the Police Reform Act 2002 (c. 30) and amended by sections 83 and 86 of the Anti-social Behaviour Act 2003 (c. 38), sections 139, 140, 141 and 174 of, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15) and sections 123 and 124 of the Criminal Justice and Immigration Act 2008 (c. 4). Section 1D was inserted by section 65 of the Police Reform Act 2002 (c. 30) and amended by section 139 of the Serious Organised Crime and Police Act 2005 (c. 15).

(5) 1998 c. 37; section 8 was amended by section 165 of, and paragraph 194 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), sections 73 and 74 of, and paragraph 4 of Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43), section 18 of the Anti-social Behaviour Act 2003 (c. 38), sections 324 and 332 of, and paragraph 1 of Schedule 34 to, the Criminal Justice Act 2003 (c. 44), sections 18, 60 and 64 of, and paragraph 5 of Schedule 2 to, and Schedule 5 to, the Children Act 2004 (c. 31), section 144 of, and paragraph 3 of Schedule 10 to, the Serious Organised Crime and Police Act 2005 (c. 15), section 60 of the Violent Crime Reduction Act 2006 (c. 38) and article 3 of, and paragraph 13 of Schedule 1 to, S.I. 2008/912. It has also been amended by section 144 of, and paragraph 3 of Schedule 10 to, the Serious Organised Crime and Police Act 2005 (c. 15), which is in force in relation to certain specified areas. The date for remaining purposes is to be appointed. section 9 was amended by section 85 of the Anti-social Behaviour Act 2003 (c. 38), paragraph 2 of Schedule 34 to the Criminal Justice Act 2003 (c. 44), section 64 of, and paragraph 4 of Schedule 5 to, the Children Act 2004 (c. 31) and article 3 of, and paragraph 13 of Schedule 1 to, S.I. 2008/912. It is further amended by section 41(1) and (4) of the Crime and Security Act 2010 (c. 17), with effect from a date to be appointed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (v) section 104 of the Sexual Offences Act 2003⁽⁶⁾ (sexual offences prevention orders),
- (vi) section 19 of the Serious Crime Act 2007⁽⁷⁾ (serious crime prevention orders),
- (vii) section 6 of the Violent Crime Reduction Act 2006⁽⁸⁾ (drinking banning orders);
- (b) on acquittal, under section 5A of the Protection from Harassment Act 1997⁽⁹⁾ (restraining orders on acquittal); and
- (c) on the making of a finding of (i) not guilty by reason of insanity, or (ii) disability, under section 104 of the Sexual Offences Act 2003 (sexual offences prevention orders).

Section 1(2) of the Civil Evidence Act 1995 defines hearsay as meaning “a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated”. Section 13 of that Act defines a statement as meaning “any representation of fact or opinion, however made”.]

⁽⁶⁾ 2003 c. 42.

⁽⁷⁾ 2007 c. 27.

⁽⁸⁾ 2006 c. 38.

⁽⁹⁾ 1997 c. 40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).