
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 31

BEHAVIOUR ORDERS

When this Part applies

31.1.—(1) This Part applies where—

- (a) a magistrates' court or the Crown Court can make, vary or revoke a civil order—
 - (i) as well as, or instead of, passing a sentence, or in any other circumstances in which other legislation allows the court to make such an order, and
 - (ii) that requires someone to do, or not do, something;
- (b) a magistrates' court or the Crown Court can make a European protection order;
- (c) a magistrates' court can give effect to a European protection order made in another European Union member State.

(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). Each section was repealed on 20th October, 2014, by section 181 of, and paragraph 24 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), subject to the saving provisions of section 33 of that Act.

(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), section 324 of, and paragraph 1 of Schedule 34

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- (v) *section 103A of the Sexual Offences Act 2003*(6) (sexual harm prevention orders),
- (vi) *section 19 or 21 of the Serious Crime Act 2007*(7) (serious crime prevention orders),
- (vii) *section 22 of the Anti-social Behaviour, Crime and Policing Act 2014*(8) (criminal behaviour orders),
- (viii) *section 14 of the Modern Slavery Act 2015*(9) (slavery and trafficking prevention orders);
- (b) *on acquittal, under section 5A of the Protection from Harassment Act 1997*(10) (restraining orders on acquittal);
- (c) *on the making of a finding of not guilty by reason of insanity, or a finding of disability, under section 14 of the Modern Slavery Act 2015 (slavery and trafficking prevention orders); and*
- (d) *in proceedings for a genital mutilation offence, under paragraph 3 of Schedule 2 to the Female Genital Mutilation Act 2003*(11) (female genital mutilation protection orders).

In the circumstances set out in the Criminal Justice (European Protection Order) Regulations 2014(12), which give effect to Directive 2011/99/EU of the European Parliament and of the Council of 13th December, 2011, on the European protection order—

- (a) *a magistrates' court, and in some cases the Crown Court, may make a European protection order to supplement a protection measure ordered by a court in England and Wales, where the protected person has decided to reside or stay in another European Union member State or is already residing or staying there (see also rule 31.9); and*
- (b) *a magistrates' court may make a restraining order to give effect in England and Wales to a European protection order made by a competent authority in another European Union member State (see also rule 31.10).*

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”.]

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) (in force in relation to certain areas, with the date for remaining purposes to be appointed), section 60 of the Violent Crime Reduction Act 2006 (c. 38), article 3 of, and paragraph 13 of Schedule 1 to, S.I. 2008/912 and section 181 of, and paragraphs 25 and 55 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). It is further amended by section 41 of the Crime and Security Act 2010 (c. 17), with effect from a date 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), article 3 of, and paragraph 13 of Schedule 1 to, S.I. 2008/912 and section 181 of, and paragraph 26 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). It is further amended by sections 40 and 41 of the Crime and Security Act 2010 (c. 17), with effect from a date to be appointed.

- (6) 2003 c. 42; section 103A was inserted by paragraphs 1 and 2 of Schedule 5 to the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (7) 2007 c. 27; section 21 was amended by section 48 of the Serious Crime Act 2015 (c. 9).
- (8) 2014 c. 12.
- (9) 2015 c. 30; section 14 comes into force on a date to be appointed.
- (10) 1997 c. 40; section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).
- (11) 2003 c. 31; Schedule 2 was inserted by section 73 of the Serious Crime Act 2015 (c. 9).
- (12) S.I. 2014/3300.