

# Anti-social Behaviour, Crime and Policing Bill

## Key extracts from current and proposed legislation

### Crime and Disorder Act 1998

#### Anti-social behaviour orders

- (1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely--
  - (a) that the person **has acted**, since the commencement date, in an anti-social manner, that is to say, **in a manner that caused or was likely to cause harassment, alarm or distress** to one or more persons not of the same household as himself; and
  - (b) that such an order is **necessary** to protect relevant persons from further anti-social acts by him.
- ...
- (4) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (an "anti-social behaviour order") which **prohibits** the defendant from doing anything described in the order.
- (5) For the purpose of determining whether the condition mentioned in subsection (1)(a) above is fulfilled, **the court shall disregard any act of the defendant which he shows was reasonable in the circumstances.**

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#### Injunctions to prevent nuisance and annoyance

- (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 conduct capable of causing nuisance or annoyance** to any person ("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.