
STATUTORY INSTRUMENTS

2004 No. 1988

The Anti-social Behaviour (Northern Ireland) Order 2004

Anti-social behaviour orders on conviction in criminal proceedings

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6.—(1) This Article applies where a person (the “offender”) is convicted of a relevant offence.

(2) If the court considers—

- (a) that the offender has acted, at any time 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 an order under this Article is necessary to protect persons within Northern Ireland from further anti-social acts by him,

it may make an order which prohibits the offender from doing anything described in the order.

(3) The court may make an order under this Article—

- (a) if the prosecution asks it to do so; or
- (b) if the court thinks it is appropriate to do so.

(4) For the purpose of deciding whether to make an order under this Article the court may consider evidence led by the prosecution and the defence.

(5) It is immaterial whether evidence led in pursuance of paragraph (4) would have been admissible in the proceedings in which the offender was convicted.

(6) An order under this Article shall not be made except—

- (a) in addition to a sentence imposed in respect of the relevant offence; or
- (b) in addition to an order discharging the offender conditionally.

(7) An order under this Article takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.

(8) An order under this Article shall have effect for a period (not less than two years) specified in the order or until further order.

(9) An offender subject to an order under this Article may apply to the court which made it for it to be varied or discharged.

(10) In the case of an order under this Article made by a magistrates' court, the reference in paragraph (9) to the court by which the order was made includes a reference to any magistrates' court acting for the same county court division as that court.

(11) No application may be made under paragraph (9) for the discharge of an order before the end of the period of two years beginning with the day on which the order takes effect.

(12) The functions of—

- (a) the Director of Public Prosecutions under Article 5 of the [Prosecution of Offences \(Northern Ireland\) Order 1972 \(NI 1\)](#), and
- (b) the Director of Public Prosecutions under section 31 of the Justice (Northern Ireland) Act 2002 (c. 26),

include having the conduct of applications for orders under this Article.

(13) In this Article—

“the court” in relation to an offender means the court by or before which he is convicted of the relevant offence;

“relevant offence” means an offence committed after the coming into operation of this Article.