

ANTI-SOCIAL BEHAVIOUR ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Dispersal of Groups Etc.

Section 30: Dispersal of groups and removal of person under 16 to their place of residence

88. This section contains new police powers to disperse groups of 2 or more and return young people under 16 who are unsupervised in public places after 9pm to their homes.
89. These new powers will only be available where an authorisation has been made by an officer of at least the rank of superintendent regarding a designated area. *Subsection (1)* sets out the conditions which need to exist before this authorisation can be made. Before giving an authorisation, the officer must be satisfied that significant and persistent anti-social behaviour has occurred in the locality and that intimidation, harassment, alarm or distress has been caused to members of the public by the presence or behaviour of groups in that locality. *Subsection (2)* provides for an authorisation to be given for a period which does not exceed 6 months.
90. When an authorisation has been made regarding a specific area *subsection (3)* sets out the circumstances where a constable in uniform can give the directions set out in *subsection (4)*. *Subsection (5)* provides exemptions for lawful industrial disputes and public processions. *Subsection (6)* allows the police to return young people under 16 who are unsupervised in public places in areas covered by an authorisation after 9pm to their homes.

Section 31: Authorisations: supplemental

91. This section sets out the process by which an authorisation can be made to designate an area for the purposes of the powers outlined in section 30. *Subsection (1)* sets out that the authorisation must be in writing, signed and specify the locality, the period of the authorisation and the grounds for giving it. *Subsection (2)* ensures that the local authority must agree to any authorisation before it is given by the relevant officer. *Subsection (3)* details the publicity arrangements for the authorisation and *subsection (5)* ensures that it is published before the beginning of the authorisation period. *Subsections (6) to (9)* deal with withdrawal of an authorisation.

Section 32: Powers under section 30: supplemental

92. This section provides further detail regarding the directions that a constable can make under section 30. *Subsection (1)* sets out how a direction under *subsection (4)* of section 30 may be given, withdrawn or varied. *Subsection (2)* sets out the offence of knowingly contravening a direction and *subsection (3)* introduces a power of arrest. *Subsection (4)* ensures that where the power to take a young person under 16 home in *subsection (6)* of section 30 is exercised, the local authority should be notified.

Section 33: Powers of community support officers

93. This section amends the Police Reform Act to allow community support officers to be given the powers to disperse groups and remove persons under 16 to their place of residence as described in section 30. Community support officers are civilian employees of police forces designated by chief officers to exercise a range of powers within the relevant police area.

Section 34: Code of practice

94. This section gives the Secretary of State the power to issue a code of practice about the exercise of these powers. *Subsection (1)* states that the code of practice will cover the giving or withdrawal of the authorisations and the exercise of the power to disperse groups and return young people under 16 who are unsupervised in public places after 9 pm to their homes. *Subsection (2)* allows the Secretary of State to revise the code of practice. *Subsection (3)* requires the Secretary of State to lay the code and any revisions before Parliament. *Subsections (4) and (5)* requires both the officers giving the authorisation and exercising the powers under this Part to have regard to the code.

Section 35: Authorisations by British Transport Police

95. This section ensures that the powers to make authorisations and to make directions in this Part of the Act apply to British Transport Police officers.