



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 4

#### PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

##### *Harassment*

#### **125 Harassment intended to deter lawful activities**

- (1) The Protection from Harassment Act 1997 (c. 40) is amended as follows.
- (2) In section 1 (prohibition of harassment)—
  - (a) after subsection (1) insert—

“(1A) A person must not pursue a course of conduct —

    - (a) which involves harassment of two or more persons, and
    - (b) which he knows or ought to know involves harassment of those persons, and
    - (c) by which he intends to persuade any person (whether or not one of those mentioned above)—
      - (i) not to do something that he is entitled or required to do, or
      - (ii) to do something that he is not under any obligation to do.”;
  - (b) in subsection (2), after “amounts to” insert “ or involves ” and after “amounted to” insert “ or involved ”;
  - (c) in subsection (3), after “Subsection (1)” insert “ or (1A) ”.
- (3) In section 2(1) (offence of harassment) for “section 1” substitute “ section 1(1) or (1A) ”.

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(4) In section 3(1) (civil remedy) for “section 1” substitute “ section 1(1) ”.

(5) After section 3 insert—

**“3A Injunctions to protect persons from harassment within section 1(1A)**

(1) This section applies where there is an actual or apprehended breach of section 1(1A) by any person (“the relevant person”).

(2) In such a case—

(a) any person who is or may be a victim of the course of conduct in question, or

(b) any person who is or may be a person falling within section 1(1A)(c), may apply to the High Court or a county court for an injunction restraining the relevant person from pursuing any conduct which amounts to harassment in relation to any person or persons mentioned or described in the injunction.

(3) Section 3(3) to (9) apply in relation to an injunction granted under subsection (2) above as they apply in relation to an injunction granted as mentioned in section 3(3)(a).”

(6) In section 5(2) (restraining orders) after “victim” insert “ or victims ”.

(7) In section 7 (interpretation of sections 1 to 5)—

(a) for subsection (3) substitute—

“(3) A “course of conduct” must involve—

(a) in the case of conduct in relation to a single person (see section 1(1)), conduct on at least two occasions in relation to that person, or

(b) in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons.”; and

(b) after subsection (4) add—

“(5) References to a person, in the context of the harassment of a person, are references to a person who is an individual.”

**Annotations:**

**Commencement Information**

**II** S. 125 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(m)

**126 Harassment etc. of a person in his home**

(1) After section 42 of the Criminal Justice and Police Act 2001 (c. 16) insert—

**“42A Offence of harassment etc. of a person in his home**

(1) A person commits an offence if—

(a) that person is present outside or in the vicinity of any premises that are used by any individual (“the resident”) as his dwelling;

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- (b) that person is present there for the purpose (by his presence or otherwise) of representing to the resident or another individual (whether or not one who uses the premises as his dwelling), or of persuading the resident or such another individual—
    - (i) that he should not do something that he is entitled or required to do; or
    - (ii) that he should do something that he is not under any obligation to do;
  - (c) that person—
    - (i) intends his presence to amount to the harassment of, or to cause alarm or distress to, the resident; or
    - (ii) knows or ought to know that his presence is likely to result in the harassment of, or to cause alarm or distress to, the resident; and
  - (d) the presence of that person—
    - (i) amounts to the harassment of, or causes alarm or distress to, any person falling within subsection (2); or
    - (ii) is likely to result in the harassment of, or to cause alarm or distress to, any such person.
- (2) A person falls within this subsection if he is—
- (a) the resident,
  - (b) a person in the resident's dwelling, or
  - (c) a person in another dwelling in the vicinity of the resident's dwelling.
- (3) The references in subsection (1)(c) and (d) to a person's presence are references to his presence either alone or together with that of any other persons who are also present.
- (4) For the purposes of this section a person (A) ought to know that his presence is likely to result in the harassment of, or to cause alarm or distress to, a resident if a reasonable person in possession of the same information would think that A's presence was likely to have that effect.
- (5) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 4 on the standard scale, or to both.
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in subsection (5) to 51 weeks is to be read as a reference to 6 months.
- (7) In this section “dwelling” has the same meaning as in Part 1 of the Public Order Act 1986.”

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

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**Annotations:**

**Amendments (Textual)**

- F1** S. 126(2) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), art. 2(1)(t)(u)(lxi)
- F2** S. 126(3) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), art. 2(1)(t)(u)(lxi)

**Commencement Information**

- I2** S. 126 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(m\)](#)

**127 Harassment etc: police direction to stay away from person's home**

- (1) Section 42 of the Criminal Justice and Police Act 2001 (c. 16) (police directions stopping harassment of a person in his home) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) The requirements that may be imposed by a direction under this section include—
- (a) a requirement to leave the vicinity of the premises in question, and
- (b) a requirement to leave that vicinity and not to return to it within such period as the constable may specify, not being longer than 3 months; and (in either case) the requirement to leave the vicinity may be to do so immediately or after a specified period of time.”
- (3) In subsection (7), for “contravenes a direction given to him under this section” substitute “ fails to comply with a requirement in a direction given to him under this section (other than a requirement under subsection (4)(b)) ”.
- (4) After subsection (7) insert—
- “(7A) Any person to whom a constable has given a direction including a requirement under subsection (4)(b) commits an offence if he—
- (a) returns to the vicinity of the premises in question within the period specified in the direction beginning with the date on which the direction is given; and
- (b) does so for the purpose described in subsection (1)(b).
- (7B) A person guilty of an offence under subsection (7A) shall be liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 4 on the standard scale, or to both.
- (7C) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in subsection (7B) to 51 weeks is to be read as a reference to 6 months.”

**Annotations:**

**Commencement Information**

- I3** S. 127 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(m\)](#)

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**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 4 is up to date with all changes known to be in force on or before 19 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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### *Trespass on designated site*

#### **128 Offence of trespassing on designated site**

(1) A person commits an offence if he enters, or is on, any [<sup>F3</sup>protected] site in England and Wales or Northern Ireland as a trespasser.

[<sup>F4</sup>(1A) In this section “protected site” means—

- (a) a nuclear site; or
- (b) a designated site.

(1B) In this section “nuclear site” means—

- (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and
- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.

(1C) For this purpose—

- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.]

(2) A “designated site” means a site—

- (a) specified or described (in any way) in an order made by the Secretary of State, and
- (b) designated for the purposes of this section by the order.

(3) The Secretary of State may only designate a site for the purposes of this section if—

- (a) it is comprised in Crown land; or
- (b) it is comprised in land belonging to Her Majesty in Her private capacity or to the immediate heir to the Throne in his private capacity; or
- (c) it appears to the Secretary of State that it is appropriate to designate the site in the interests of national security.

(4) It is a defence for a person charged with an offence under this section to prove that he did not know, and had no reasonable cause to suspect, that the site in relation to which the offence is alleged to have been committed was a [<sup>F5</sup>protected] site.

(5) A person guilty of an offence under this section is liable on summary conviction—

- (a) to imprisonment for a term not exceeding 51 weeks, or
  - (b) to a fine not exceeding level 5 on the standard scale,
- or to both.

(6) No proceedings for an offence under this section may be instituted against any person

- (a) in England and Wales, except by or with the consent of the Attorney General, or
- (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

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- (7) For the purposes of this section a person who is on any [<sup>F6</sup>protected] site as a trespasser does not cease to be a trespasser by virtue of being allowed time to leave the site.
- (8) In this section—
- (a) “site” means the whole or part of any building or buildings, or any land, or both;
  - (b) “Crown land” means land in which there is a Crown interest or a Duchy interest.
- (9) For this purpose—
- “Crown interest” means an interest belonging to Her Majesty in right of the Crown, and
- “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.
- (10) In the application of this section to Northern Ireland, the reference to 51 weeks in subsection (5)(a) is to be read as a reference to 6 months.

**Annotations:**

**Amendments (Textual)**

- F3** Word in s. 128(1) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F4** S. 128(1A)-(1C) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(3)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F5** Word in s. 128(4) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F6** Word in s. 128(7) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)

**Modifications etc. (not altering text)**

- C1** S. 128 extended (N.I.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 130(2)**, 178(8); S.I. 2005/1521, art. 3(1)(n)

**Commencement Information**

- I4** S. 128 in force at 1.7.2005 by [S.I. 2005/1521](#), **art. 3(1)(n)**

**129 Corresponding Scottish offence**

- (1) A person commits an offence if he enters, or is on, any [<sup>F7</sup>protected] Scottish site without lawful authority.

[<sup>F8</sup>(1A) In this section ‘protected Scottish site’ means—

- (a) a nuclear site in Scotland; or
- (b) a designated Scottish site.

(1B) In this section ‘nuclear site’ means—

- (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and

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- (b) so much of any other premises of which premises falling within paragraph (a) form a part as lies within that outer perimeter.
- (1C) For this purpose—
- (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and
- (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed.]
- (2) A “designated Scottish site” means a site in Scotland—
- (a) specified or described (in any way) in an order made by the Secretary of State, and
- (b) designated for the purposes of this section by the order.
- (3) The Secretary of State may only designate a site for the purposes of this section if it appears to him that it is appropriate to designate the site in the interests of national security.
- (4) It is a defence for a person charged with an offence under this section to prove that he did not know, and had no reasonable cause to suspect, that the site in relation to which the offence is alleged to have been committed was a [F9protected] Scottish site.
- (5) A person guilty of an offence under this section is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 12 months, or
- (b) to a fine not exceeding level 5 on the standard scale, or to both.
- (6) For the purposes of subsection (1), a person who is on any [F10protected] Scottish site without lawful authority does not acquire lawful authority by virtue of being allowed time to leave the site.
- (7) In this section “site” means the whole or part of any building or buildings, or any land, or both.

**Annotations:**

**Amendments (Textual)**

- F7** Word in s. 129(1) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F8** S. 129(1A)-(1C) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(4)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F9** Word in s. 129(4) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)
- F10** Word in s. 129(6) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 12(2)**, 39(2); S.I. 2006/1013, art. 2(2)(a)

**Commencement Information**

- I5** S. 129 in force at 1.7.2005 by [S.I. 2005/1521](#), **art. 3(1)(n)**

**130 Designated sites: powers of arrest**

<sup>F11</sup>(1) .....

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- (2) An offence under section 128 is to be treated as an arrestable offence for the purposes of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

<sup>F12</sup>(3) .....

**Annotations:**

**Amendments (Textual)**

- F11** S. 130(1) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); S.I. 2005/3495, art. 2(1)(t)(u)(lxi)
- F12** S. 130(3) repealed (S.) (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 19](#); S.S.I. 2017/345, art. 3, sch.

**Commencement Information**

- I6** S. 130 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(n\)](#)

**131 Designated sites: access**

- (1) The following provisions do not apply to land in respect of which a designation order is in force—
- (a) section 2(1) of the Countryside and Rights of Way Act 2000 (c. 37) (rights of public in relation to access land),
  - (b) Part III of the Countryside (Northern Ireland) Order 1983 (S.I. 1983/1895 (N.I. 18)) (access to open country), and
  - (c) section 1 of the Land Reform (Scotland) Act 2003 (asp 2) (access rights).
- (2) The Secretary of State may take such steps as he considers appropriate to inform the public of the effect of any designation order, including, in particular, displaying notices on or near the site to which the order relates.
- (3) But the Secretary of State may only—
- (a) display any such notice, or
  - (b) take any other steps under subsection (2),
- in or on any building or land, if the appropriate person consents.
- (4) The “appropriate person” is—
- (a) a person appearing to the Secretary of State to have a sufficient interest in the building or land to consent to the notice being displayed or the steps being taken, or
  - (b) a person acting on behalf of such a person.
- (5) In this section a “designation order” means—
- (a) in relation to England and Wales or Northern Ireland, an order under section 128, or
  - (b) in relation to Scotland, an order under section 129.



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**Annotations:**

**Commencement Information**

**I7** S. 131 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(n)

*Demonstrations in vicinity of Parliament*

**F13 132 Demonstrating without authorisation in designated area**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with **ss. 141(2)**, 149(3)); S.I. 2011/2834, arts. 2(a), 3

**133 Notice of demonstrations in designated area**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with **ss. 141(2)**, 149(3)); S.I. 2011/2834, arts. 2(a), 3

**134 Authorisation of demonstrations in designated area**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with **ss. 141(2)**, 149(3)); S.I. 2011/2834, arts. 2(a), 3

**135 Supplementary directions**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with [ss. 141\(2\)](#), [149\(3\)](#)); S.I. 2011/2834, arts. 2(a), 3

**136 Offences under sections 132 to 135: penalties**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with [ss. 141\(2\)](#), [149\(3\)](#)); S.I. 2011/2834, arts. 2(a), 3

**137 Loudspeakers in designated area**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with [ss. 141\(2\)](#), [149\(3\)](#)); S.I. 2011/2834, arts. 2(a), 3

**138 The designated area**

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**Annotations:**

**Amendments (Textual)**

**F13** Ss. 132-138 repealed (19.12.2011 for the purpose of the repeal of s. 137 only, 30.3.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 141(1)**, 157(1) (with [ss. 141\(2\)](#), [149\(3\)](#)); S.I. 2011/2834, arts. 2(a), 3

*Anti-social behaviour*

**139 Orders about anti-social behaviour etc.**

- F14**(1) .....
- (2) .....
- (3) .....

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- (4) .....
- (5) .....
- (6) .....
- (7) .....
- (8) .....
- (9) .....
- (10) In section 14A of the Football Spectators Act 1989 (c. 37) (banning orders on conviction of an offence), after subsection (4) insert—
  - “(4A) The court may adjourn any proceedings in relation to an order under this section even after sentencing the offender.
  - (4B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.
  - (4C) But the court may not issue a warrant for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.”

**Annotations:**

**Amendments (Textual)**

**F14** S. 139(1)-(9) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), art. 4(f)(xii)

**Commencement Information**

**I8** S. 139 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(s\)](#)

**140 Variation and discharge of anti-social behaviour orders made on conviction**

- <sup>F15</sup>(1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) In section 3 of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), in subsection (2), after paragraph (fa) insert—
  - “(fb) where it appears to him appropriate to do so, to have the conduct of applications under section 1CA(3) of the Crime and Disorder Act 1998 for the variation or discharge of orders made under section 1C of that Act;
  - (fc) where it appears to him appropriate to do so, to appear on any application under section 1CA of that Act made by a person subject to an order under section 1C of that Act for the variation or discharge of the order.”

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**Annotations:**

**Amendments (Textual)**

**F15** S. 140(1)-(4) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**Commencement Information**

**I9** S. 140 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(s\)](#)

**<sup>F16</sup>141 Anti-social behaviour orders etc: reporting restrictions**

**Annotations:**

**Amendments (Textual)**

**F16** Ss. 141-143 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**142 Contracting out of local authority functions relating to anti-social behaviour orders**

**Annotations:**

**Amendments (Textual)**

**F16** Ss. 141-143 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**143 Special measures for witnesses in proceedings for anti-social behaviour orders etc.**

**Annotations:**

**Amendments (Textual)**

**F16** Ss. 141-143 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

*Parental compensation orders*

**144 Parental compensation orders**

Schedule 10 is to have effect.

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**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Part 4 is up to date with all changes known to be in force on or before 19 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**Annotations:**

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**Commencement Information**

**I10** S. 144 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

**Changes to legislation:**

Serious Organised Crime and Police Act 2005, Part 4 is up to date with all changes known to be in force on or before 19 April 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871