



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 8

#### ANTI-SOCIAL BEHAVIOUR

*Anti-social behaviour orders etc. in respect of children and young persons*

#### 123 Review of anti-social behaviour orders etc.

- (1) In Part 1 of the Crime and Disorder Act 1998 (c. 37) (prevention of crime and disorder) after section 11 insert—

##### **“1J Review of orders under sections 1, 1B and 1C**

- (1) This section applies where—
- an anti-social behaviour order,
  - an order under section 1B, or
  - an order under section 1C,
- has been made in respect of a person under the age of 17.
- (2) If—
- the person subject to the order will be under the age of 18 at the end of a period specified in subsection (3) (a “review period”), and
  - the term of the order runs until the end of that period or beyond,
- then before the end of that period a review of the operation of the order shall be carried out.
- (3) The review periods are—
- the period of 12 months beginning with—
    - the day on which the order was made, or

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- (ii) if during that period there is a supplemental order (or more than one), the date of the supplemental order (or the last of them);
- (b) a period of 12 months beginning with—
  - (i) the day after the end of the previous review period, or
  - (ii) if during that period there is a supplemental order (or more than one), the date of the supplemental order (or the last of them).
- (4) In subsection (3) “supplemental order” means—
  - (a) a further order varying the order in question;
  - (b) an individual support order made in relation to the order in question on an application under section 1AA(1A).
- (5) Subsection (2) does not apply in relation to any review period if the order is discharged before the end of that period.
- (6) A review under this section shall include consideration of—
  - (a) the extent to which the person subject to the order has complied with it;
  - (b) the adequacy of any support available to the person to help him comply with it;
  - (c) any matters relevant to the question whether an application should be made for the order to be varied or discharged.
- (7) Those carrying out or participating in a review under this section shall have regard to any guidance issued by the Secretary of State when considering—
  - (a) how the review should be carried out;
  - (b) what particular matters should be dealt with by the review;
  - (c) what action (if any) it would be appropriate to take in consequence of the findings of the review.

### **1K Responsibility for, and participation in, reviews under section 1J**

- (1) A review under section 1J of an anti-social behaviour order or an order under section 1B shall be carried out by the relevant authority that applied for the order.
- (2) A review under section 1J of an order under section 1C shall be carried out—
  - (a) (except where paragraph (b) applies) by the appropriate chief officer of police;
  - (b) where a relevant authority is specified under section 1C(9ZA), by that authority.
- (3) A local authority, in carrying out a review under section 1J, shall act in co-operation with the appropriate chief officer of police; and it shall be the duty of that chief officer to co-operate in the carrying out of the review.
- (4) The chief officer of police of a police force, in carrying out a review under section 1J, shall act in co-operation with the appropriate local authority; and it shall be the duty of that local authority to co-operate in the carrying out of the review.

(5) A relevant authority other than a local authority or chief officer of police, in carrying out a review under section 1J, shall act in co-operation with—

- (a) the appropriate local authority, and
- (b) the appropriate chief officer of police;

and it shall be the duty of that local authority and that chief officer to co-operate in the carrying out of the review.

(6) A chief officer of police or other relevant authority carrying out a review under section 1J may invite the participation in the review of a person or body not required by subsection (3), (4) or (5) to co-operate in the carrying out of the review.

(7) In this section—

“the appropriate chief officer of police” means the chief officer of police of the police force maintained for the police area in which the person subject to the order resides or appears to reside;

“the appropriate local authority” means the council for the local government area (within the meaning given in section 1(12)) in which the person subject to the order resides or appears to reside.”

(2) In section 1(1A) of that Act (meaning of “relevant authority”) for “1CA, 1E and 1F” substitute “1C, 1CA, 1E, 1F and 1K”.

(3) In section 1C of that Act (orders on conviction in criminal proceedings) after section (9) insert—

“(9ZA) An order under this section made in respect of a person under the age of 17, or an order varying such an order, may specify a relevant authority (other than the chief officer of police mentioned in section 1K(2)(a)) as being responsible for carrying out a review under section 1J of the operation of the order.”

## 124 Individual support orders

(1) In section 1AA of the Crime and Disorder Act 1998 (c. 37) (individual support orders) for subsection (1) and the words in subsection (2) before paragraph (a) substitute—

“(1) This section applies where a court makes an anti-social behaviour order in respect of a defendant who is a child or young person when that order is made.

(1A) This section also applies where—

- (a) an anti-social behaviour order has previously been made in respect of such a defendant;
- (b) an application is made by complaint to the court which made that order, by the relevant authority which applied for it, for an order under this section; and
- (c) at the time of the hearing of the application—
  - (i) the defendant is still a child or young person, and
  - (ii) the anti-social behaviour order is still in force.

(1B) The court must consider whether the individual support conditions are fulfilled and, if satisfied that they are, must make an individual support order.

(2) An individual support order is an order which—”.

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- (2) In subsection (3)(a) of that section, for the words after “the kind of behaviour which led to” substitute “the making of—
- (i) the anti-social behaviour order, or
  - (ii) an order varying that order (in a case where the variation is made as a result of further anti-social behaviour by the defendant);”.
- (3) In subsection (5) of that section, for “which led to the making of the anti-social behaviour order” substitute “mentioned in subsection (3)(a) above”.
- (4) In section 1(1A) of that Act (meaning of “relevant authority”) after “and sections” insert “1AA,”.
- (5) In section 1AB of that Act (which makes further provision about individual support orders) after subsection (5) insert—
- “(5A) The period specified as the term of an individual support order made on an application under section 1AA(1A) above must not be longer than the remaining part of the term of the anti-social behaviour order as a result of which it is made.”
- (6) In section 1B of that Act (orders in county court proceedings) after subsection (7) insert—
- “(8) Sections 1AA and 1AB apply in relation to orders under this section, with any necessary modifications, as they apply in relation to anti-social behaviour orders.
- (9) In their application by virtue of subsection (8), sections 1AA(1A)(b) and 1AB(6) have effect as if the words “by complaint” were omitted.”
- (7) In section 1C of that Act (orders on conviction in criminal proceedings) after subsection (9A) insert—
- “(9AA) Sections 1AA and 1AB apply in relation to orders under this section, with any necessary modifications, as they apply in relation to anti-social behaviour orders.
- (9AB) In their application by virtue of subsection (9AA), sections 1AA(1A)(b) and 1AB(6) have effect as if the words “by complaint” were omitted.
- (9AC) In its application by virtue of subsection (9AA), section 1AA(1A)(b) has effect as if the reference to the relevant authority which applied for the anti-social behaviour order were a reference to the chief officer of police, or other relevant authority, responsible under section 1K(2)(a) or (b) for carrying out a review of the order under this section.”