
STATUTORY INSTRUMENTS

2003 No. 3300 (C. 130)

**CRIMINAL LAW
POLICE**

**The Anti-social Behaviour Act 2003 (Commencement
No. 1 and Transitional Provisions) Order 2003**

Made - - - - 17th December 2003

In exercise of the powers conferred upon him by section 93(1) of the Anti-social Behaviour Act 2003⁽¹⁾, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Anti-social Behaviour Act 2003 (Commencement No. 1 and Transitional Provisions) Order 2003.

2. The following provisions of the Anti-social Behaviour Act 2003 shall come into force on 20th January 2004—

- (a) Part 1 (sections 1 to 11) (premises where drugs used unlawfully);
- (b) Part 4 (sections 30 to 36) (dispersal of groups etc.);
- (c) in Part 5 (firearms)—
 - (i) section 37 (possession of air weapon or imitation firearm in a public place);
 - (ii) section 38 (air weapons: age limits); and
 - (iii) section 39(1), (2), (3) in so far as it relates to the purchase, acquisition, manufacture, sale or transfer of the prohibited weapon, (4), (5) and (6) (prohibition of certain air weapons);
- (d) in Part 6 (the environment), section 53 (display of advertisements in contravention of regulations);
- (e) in Part 7 (public order and trespass)—
 - (i) section 57 (public assemblies);
 - (ii) section 58 (raves); and
 - (iii) section 59 (aggravated trespass);
- (f) in Part 9 (miscellaneous powers)—

- (i) section 85(1), (2), (3), (4) in so far as it relates to section 1(10B) of the Crime and Disorder Act 1998(2) and (7) (anti-social behaviour orders);
 - (ii) section 86(3) in so far as it relates to section 1C(9B) and (9C) of the Crime and Disorder Act 1998(3), (4), (5) and (6) (certain orders made on conviction of offences);
 - (iii) section 87 (penalty notices for disorderly behaviour by young persons); and
 - (iv) section 89(1), (2), (3), (4), (6) and (7) (extension of powers of community support officers etc.);
 - (g) in Part 10 (general)—
 - (i) section 92 (repeals) in so far as it relates to the entries in Schedule 3 in paragraph (ii) below; and
 - (ii) in Schedule 3 (repeals), the entries relating to—
 - (a) the Firearms Act 1968(4);
 - (b) the Prosecution of Offences Act 1985(5);
 - (c) the Firearms (Amendment) Act 1988(6);
 - (d) the Criminal Justice and Public Order Act 1994(7);
 - (e) the Crime and Disorder Act 1998(8);
 - (f) the Police Reform Act 2002(9).
3. The following provisions of the Anti-social Behaviour Act 2003 shall come into force on 27th February 2004—
- (a) in Part 3 (parental responsibilities)—
 - (i) section 18 (parenting orders under the 1998 Act);
 - (ii) section 23 (penalty notices for parents in cases of truancy); and
 - (iii) sections 25 to 29 (criminal conduct and anti-social behaviour);
 - (b) in Part 7 (public order and trespass), sections 60 to 64 (powers to remove trespassers: alternative site available etc.);
 - (c) in Part 9 (miscellaneous powers), section 85(8) (anti-social behaviour orders).
4. The following provisions of Part 3 of the Anti-social Behaviour Act 2003 shall come into force on 27th February 2004 in England only—
- (a) section 19 (parenting contracts in cases of exclusion from school or truancy);
 - (b) section 20 (parenting orders in cases of exclusion from school);
 - (c) section 21 (parenting orders: supplemental);
 - (d) section 22 (parenting orders: appeals); and
 - (e) section 24 (interpretation).
- 5.—(1) Section 39(3) (prohibition of certain air weapons) of the Anti-social Behaviour Act 2003 shall, subject to paragraph (2), to the extent not already in force come into force on 30th April 2004.

(2) 1998 c. 37.

(3) Section 1C was inserted by section 64 of the Police Reform Act 2002 (c. 30).

(4) 1968 c. 27.

(5) 1985 c. 23.

(6) 1988 c. 45.

(7) 1994 c. 33.

(8) 1998 c. 37.

(9) 2002 c. 30.

(2) Section 1(1)(a) of the Firearms Act 1968(10) shall not apply to a person who has in his possession any air rifle, air gun or air pistol which uses, or is designed or adapted for use with, a self-contained gas cartridge system where he has applied before 30th April 2004 for a firearm certificate under Part 2 of that Act and either that application is still being processed or any appeal in respect of it has not been determined.

Home Office
17th December 2003

Hazel Blears
Minister of State

(10) There have been amendments to section 1 which are not relevant to the subject matter of this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Anti-social Behaviour Act 2003 set out in articles 2 and 3 on 20th January 2003 and 27th February 2004 respectively either generally or to the extent specified.

The provisions set out in article 4 are brought into force on 27th February 2004 in England only.

Article 2(c)(iii) brings section 39(3) into force for certain purposes on 20th January 2004 and article 5(1) brings that section into force on 30th April 2004 for all other purposes including possession. Section 39 adds certain air weapons using a self-contained gas cartridge system to the categories of prohibited weapons under section 5 of the Firearms Act 1968. In addition to an authority from the Secretary of State, a firearms certificate issued under Part 2 of the Firearms Act 1968 is required to possess a weapon prohibited under section 5 of that Act.

From 20th January 2004 it will therefore be an offence to, without authority from the Secretary of State, purchase, acquire, manufacture, sell or transfer air weapons using a self-contained gas cartridge system and from 30th April 2004 it will also be an offence to possess such a prohibited weapon without authority from the Secretary of State. Section 39(4) of the Anti-social Behaviour Act 2003 permits existing owners of such weapons to continue to possess their weapons without an authority provided they obtain a firearm certificate.

Article 5(2) contains transitional provisions to allow anyone who has applied for a firearms certificate, or is appealing against the refusal of a firearms certificate, to lawfully possess their weapon pending the outcome of the application and/or appeal.