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STATUTORY INSTRUMENTS

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**2004 No. 2168 (C. 91 )**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Anti-social Behaviour Act 2003  
(Commencement No. 4) Order 2004**

*Made - - - - 20th August 2004*

In exercise of the powers conferred upon him by sections 93 and 94(2) 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. 4) Order 2004.

2. The following provisions of the Anti-social Behaviour Act 2003 shall come into force on 30<sup>th</sup> September 2004—

(a) in Part 9 (miscellaneous powers)—

- (i) section 85(6) (anti-social behaviour orders) to the extent not already in force;
- (ii) section 88 (curfew orders and supervision orders) in so far as it relates to the sub-paragraphs of Schedule 2 detailed in paragraph (iii) below; and
- (iii) paragraphs 1, 2(1) and (3), 3, 4, 5 and 6 of Schedule 2 (curfew orders and supervision orders);

(b) in Part 10 (general)—

- (i) section 92 (repeals) in so far as it relates to the entries in Schedule 3 in sub-paragraph (ii) below; and
- (ii) in Schedule 3 (repeals), the entries relating to Schedules 6 and 7 of the Powers of Criminal Courts (Sentencing) Act 2000(2).

3.—(1) The following provisions of the Anti-social Behaviour Act 2003 shall come into force in the areas of the local authorities specified in paragraph (2) below on 30<sup>th</sup> September 2004—

(a) in Part 9 (miscellaneous powers)—

- (i) section 88 (curfew orders and supervision orders) in so far as it relates to paragraph 2(2) of Schedule 2; and
- (ii) paragraph 2(2) of Schedule 2 (curfew orders and supervision orders);

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(1) 2003 c. 38; the powers in section 93 are extended by section 85(9).  
(2) 2000 c. 6.

- (b) in Part 10 (general)–
  - (i) section 92 (repeals) in so far as it relates to the entry in Schedule 3 in paragraph (ii) below; and
  - (ii) in Schedule 3 (repeals), the entry relating to section 37(4) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (2) The following local authorities are specified for the purposes of paragraph (1) above–
  - (a) Birmingham City Council;
  - (b) Bolton Metropolitan Borough Council;
  - (c) Bridgend County Borough Council;
  - (d) Calderdale Metropolitan Borough Council;
  - (e) Cardiff County Council;
  - (f) City and County of Swansea Council
  - (g) Coventry City Council
  - (h) Kirklees Metropolitan Council;
  - (i) Leeds City Council;
  - (j) Liverpool City Council;
  - (k) London Borough of Barking and Dagenham;
  - (l) London Borough of Bexley
  - (m) London Borough of Bromley;
  - (n) London Borough of Croydon;
  - (o) London Borough of Greenwich;
  - (p) London Borough of Havering;
  - (q) London Borough of Lewisham;
  - (r) London Borough of Merton;
  - (s) London Borough of Redbridge;
  - (t) London Borough of Richmond upon Thames;
  - (u) London Borough of Southwark;
  - (v) London Borough of Sutton;
  - (w) London Borough of Waltham Forest;
  - (x) Merthyr Tydfil County Borough Council;
  - (y) Neath Port Talbot County Borough Council;
  - (z) Nottingham City Council;
  - (aa) Oldham Metropolitan Borough Council;
  - (bb) Rhonda Cynon Taf County Borough Council;
  - (cc) Royal Borough of Kingston upon Thames;
  - (dd) Solihull Metropolitan Borough Council;
  - (ee) Stockport Metropolitan Borough Council;
  - (ff) Thameside Metropolitan Borough Council; and
  - (gg) Vale of Glamorgan Council.

4.—(1) Section 85(5) (anti-social behaviour orders) of the Anti-social Behaviour Act 2003 shall, to the extent not already in force, come into force on 1<sup>st</sup> October 2004 for a period of eighteen months in relation to applications for anti-social behaviour orders in county court proceedings made at the county courts specified in paragraph (2) below.

(2) The following county courts are specified for the purposes of paragraph (1) above—

- (a) Bristol;
- (b) Central London;
- (c) Clerkenwell;
- (d) Dewsbury;
- (e) Huddersfield;
- (f) Leicester;
- (g) Manchester;
- (h) Oxford;
- (i) Tameside;
- (j) Wigan; and
- (k) Wrexham.

5. The following provisions of Part 8 (high hedges) of the Anti-social Behaviour Act 2003 shall come into force on 1<sup>st</sup> October 2004 in relation to complaints about hedges situated in England—

- (a) section 71(7) (appeals against remedial notices and other decisions of relevant authorities); and
- (b) section 72 (appeals procedure).

Home Office  
20th August 2004

*Fiona Mactaggart*  
Parliamentary-Under Secretary of State

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 30<sup>th</sup> September 2004 in England and Wales the provisions of the Anti-social Behaviour Act 2003 (“the 2003 Act”) set out in article 2 either generally or to the extent specified.

The provisions set out in article 3(1) are brought into force on 30<sup>th</sup> September 2004 in the areas of the local authorities set out in article 3(2).

Article 4(1) brings section 85(5) of the 2003 Act into force in relation to juveniles on 1<sup>st</sup> October 2004 for a period of 18 months to allow a pilot to be conducted. It is brought into force in relation to applications for anti-social behaviour orders made at the county courts specified in article 4(2).

Article 5 brings sections 71(7) and 72 in Part 8 (high hedges) of the 2003 Act into force on 1<sup>st</sup> October 2004 in relation to hedges situated in England.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

| <i>Provision</i>                | <i>Date of Commencement</i>    | <i>S.I. No.</i>           |
|---------------------------------|--------------------------------|---------------------------|
| Sections 1 to 11                | 20 <sup>th</sup> January 2004  | <a href="#">2003/3300</a> |
| Sections 12 to 17 as to England | 30 <sup>th</sup> June 2004     | <a href="#">2004/1502</a> |
| Section 18                      | 27 <sup>th</sup> February 2004 | <a href="#">2003/3300</a> |
| Sections 19 to 22 as to England | 27 <sup>th</sup> February 2004 | <a href="#">2003/3300</a> |
| Section 23                      | 27 <sup>th</sup> February 2004 | <a href="#">2003/3300</a> |
| Section 24 as to England        | 27 <sup>th</sup> February 2004 | <a href="#">2003/3300</a> |
| Section 25 to 29                | 27 <sup>th</sup> February 2004 | <a href="#">2003/3300</a> |
| Sections 30 to 38               | 20 <sup>th</sup> January 2004  | <a href="#">2003/3300</a> |
| Section 39 (partially)          | 20 <sup>th</sup> January 2004  | <a href="#">2003/3300</a> |
| Section 39 (partially)          | 30 <sup>th</sup> April 2004    | <a href="#">2003/3300</a> |
| Sections 40 to 45 as to England | 31 <sup>st</sup> March 2004    | <a href="#">2004/690</a>  |
| Sections 40 to 45 as to Wales   | 31 <sup>st</sup> March 2004    | <a href="#">2004/999</a>  |
| Section 46                      | 31 <sup>st</sup> March 2004    | <a href="#">2004/690</a>  |
| Section 47 as to England        | 31 <sup>st</sup> March 2004    | <a href="#">2004/690</a>  |
| Section 47 as to Wales          | 31 <sup>st</sup> March 2004    | <a href="#">2004/999</a>  |

| <i>Provision</i>                     | <i>Date of Commencement</i>    | <i>S.I. No.</i> |
|--------------------------------------|--------------------------------|-----------------|
| Section 48 as to England (partially) | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 48 as to Wales               | 31 <sup>st</sup> March 2004    | 2004/999        |
| Section 49 as to England (partially) | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 49 as to Wales               | 31 <sup>st</sup> March 2004    | 2004/999        |
| Section 50 as to England (partially) | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 50 as to Wales               | 31 <sup>st</sup> March 2004    | 2004/999        |
| Section 51 as to England (partially) | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 51 as to Wales               | 31 <sup>st</sup> March 2004    | 2004/999        |
| Section 52 as to England (partially) | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 52 as to Wales               | 31 <sup>st</sup> March 2004    | 2004/999        |
| Section 53                           | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 54                           | 31 <sup>st</sup> March 2004    | 2004/690        |
| Sections 55 and 56 as to England     | 31 <sup>st</sup> March 2004    | 2004/690        |
| Sections 55 and 56 as to Wales       | 31 <sup>st</sup> March 2004    | 2004/999        |
| Sections 57 to 59                    | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 60 to 64                     | 27 <sup>th</sup> February 2004 | 2003/3300       |
| Section 85 (partially)               | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 85 (partially)               | 27 <sup>th</sup> February 2004 | 2003/3300       |
| Section 85 (partially)               | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 86 (partially)               | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 86 (partially)               | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 87                           | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 89 (partially)               | 20 <sup>th</sup> January 2004  | 2003/3300       |
| Section 89 (partially)               | 31 <sup>st</sup> March 2004    | 2004/690        |
| Section 90                           | 31 <sup>st</sup> July 2004     | 2004/1502       |
| Section 91 as to England             | 30 <sup>th</sup> June 2004     | 2004/1502       |
| Section 92 (partially)               | 20 <sup>th</sup> January 2004  | 2003/3300       |

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| <i>Provision</i>                     | <i>Date of Commencement</i>   | <i>S.I. No.</i>           |
|--------------------------------------|-------------------------------|---------------------------|
| Section 92 (partially)               | 31 <sup>st</sup> March 2004   | <a href="#">2004/690</a>  |
| Section 92 as to England (partially) | 30 <sup>th</sup> June 2004    | <a href="#">2004/1502</a> |
| Schedule 1 as to England             | 30 <sup>th</sup> June 2004    | <a href="#">2004/1502</a> |
| Schedule 3 (partially)               | 20 <sup>th</sup> January 2004 | <a href="#">2003/3300</a> |
| Schedule 3 (partially)               | 31 <sup>st</sup> March 2004   | <a href="#">2004/690</a>  |
| Schedule 3 as to England (partially) | 30 <sup>th</sup> June 2004    | <a href="#">2004/1502</a> |