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STATUTORY INSTRUMENTS

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**2004 No. 690 (C. 26)**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES  
CRIMINAL LAW, ENGLAND AND WALES**

The Anti-social Behaviour Act 2003  
(Commencement No. 2) Order 2004

Made - - - - 8th March 2004

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

1. This Order may be cited as the Anti-social Behaviour Act 2003 (Commencement No. 2) Order 2004.

2. The following provisions of the Anti-social Behaviour Act 2003 shall come into force on 31st March 2004—

- (a) in Part 6 (the environment)—
  - (i) section 46 (powers of police civilians); and
  - (ii) section 54 (sale of aerosol paint to children);
- (b) in Part 9 (miscellaneous powers)—
  - (i) section 85(4) to the extent not already in force, (9), (10) and (11) (anti-social behaviour orders);
  - (ii) section 85(5) and (6) in so far as they relate to persons aged 18 or over (anti-social behaviour orders);
  - (iii) section 86(1), (2) and (3) to the extent not already in force (certain orders made on conviction of offences); and
  - (iv) section 89(5) (extension of powers of community support officers etc.);
- (c) 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) the entry in Schedule 3 relating to the Noise Act 1996<sup>(2)</sup>.

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(1) 2003 c. 38.  
(2) 1996 c. 37.

3. The following provisions of Part 6 (the environment) of the Anti-social Behaviour Act 2003 shall come into force on 31st March 2004 in England only—

- (a) section 40 (closure of noisy premises);
- (b) section 41 (closure of noisy premises: supplemental);
- (c) section 42 (dealing with noise at night);
- (d) section 43 (penalty notices for graffiti and fly-posting);
- (e) section 44 (meaning of relevant offence);
- (f) section 45 (penalty receipts);
- (g) section 47 (interpretation etc);
- (h) section 55 (unlawfully deposited waste etc); and
- (i) section 56 (extension of litter authority powers to take remedial action).

4.—(1) The following provisions of Part 6 (the environment) of the Anti-social Behaviour Act 2003 shall come into force in the areas of the local authorities in England specified in paragraph (2) below on 31st March 2004—

- (a) section 48 (graffiti removal notices);
- (b) section 49 (recovery of expenditure);
- (c) section 50 (guidance);
- (d) section 51 (appeals); and
- (e) section 52 (exemption from liability in relation to graffiti removal notices).

(2) The following local authorities are specified for the purposes of paragraph (1) above—

- (a) Barnsley Metropolitan Borough Council;
- (b) Bristol City Council;
- (c) Cambridge City Council;
- (d) Dartford Borough Council;
- (e) Doncaster Metropolitan Borough Council;
- (f) Epping Forest District Council;
- (g) Kirklees Metropolitan Borough Council;
- (h) London Borough of Merton;
- (i) London Borough of Westminster;
- (j) Northampton Borough Council;
- (k) Southampton City Council; and
- (l) Wansbeck District Council.

Home Office  
8th March 2004

*Hazel Blears*  
Minister of State

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## EXPLANATORY NOTE

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

This Order brings into force in England and Wales the provisions of the Anti-social Behaviour Act 2003 set out in article 2 on 31st March 2004 either generally or to the extent specified.

The provisions set out in article 3 are brought into force on 31st March 2004 in England only. The provisions set out in article 4(1) are brought into force on 31st March 2004 in the areas of the local authorities set out in article 4(2).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Anti-social Behaviour Act 2003 have been brought, or in relation to section 39 will be brought, into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 1 to 11	20th January 2004	<a href="#">2003/3300</a>
Section 18	27th February 2004	<a href="#">2003/3300</a>
Sections 19 to 22 as to England	27th February 2004	<a href="#">2003/3300</a>
Section 24 as to England	27th February 2004	<a href="#">2003/3300</a>
Section 23	27th February 2004	<a href="#">2003/3300</a>
Sections 25 to 29	27th February 2004	<a href="#">2003/3300</a>
Sections 30 to 38	20th January 2004	<a href="#">2003/3300</a>
Section 39 (partially)	20th January 2004	<a href="#">2003/3300</a>
Section 39 (partially)	30th April 2004	<a href="#">2003/3300</a>
Section 53	20th January 2004	<a href="#">2003/3300</a>
Sections 57 to 59	20th January 2004	<a href="#">2003/3300</a>
Sections 60 to 64	27th February 2004	<a href="#">2003/3300</a>
Section 85 (partially)	20th January 2004	<a href="#">2003/3300</a>
Section 85 (partially)	27th February 2004	<a href="#">2003/3300</a>
Section 86 (partially)	20th January 2004	<a href="#">2003/3300</a>
Section 87	20th January 2004	<a href="#">2003/3300</a>
Section 89 (partially)	20th January 2004	<a href="#">2003/3300</a>
Section 92 (partially)	20th January 2004	<a href="#">2003/3300</a>
Schedule 3 (partially)	20th January 2004	<a href="#">2003/3300</a>

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