



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I **E+W+S**

PREVENTION OF CRIME AND DISORDER

CHAPTER I **E+W**

ENGLAND AND WALES

Crime and disorder: general

1 **Anti-social behaviour orders.** **E+W**

- (1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—
 - (a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and
 - (b) that such an order is necessary to protect persons in the local government area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him;and in this section “relevant authority” means the council for the local government area or any chief officer of police any part of whose police area lies within that area.
- (2) A relevant authority shall not make such an application without consulting each other relevant authority.
- (3) Such an application shall be made by complaint to the magistrates’ court whose commission area includes the place where it is alleged that the harassment, alarm or distress was caused or was likely to be caused.

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- (4) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (an "anti-social behaviour order") which prohibits the defendant from doing anything described in the order.
- (5) For the purpose of determining whether the condition mentioned in subsection (1)(a) above is fulfilled, the court shall disregard any act of the defendant which he shows was reasonable in the circumstances.
- (6) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting from further anti-social acts by the defendant—
- (a) persons in the local government area; and
 - (b) persons in any adjoining local government area specified in the application for the order;
- and a relevant authority shall not specify an adjoining local government area in the application without consulting the council for that area and each chief officer of police any part of whose police area lies within that area.
- (7) An anti-social behaviour order shall have effect for a period (not less than two years) specified in the order or until further order.
- (8) Subject to subsection (9) below, the applicant or the defendant may apply by complaint to the court which made an anti-social behaviour order for it to be varied or discharged by a further order.
- (9) Except with the consent of both parties, no anti-social behaviour order shall be discharged before the end of the period of two years beginning with the date of service of the order.
- (10) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (11) Where a person is convicted of an offence under subsection (10) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of [F1section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] in respect of the offence.
- (12) In this section—
- "the commencement date" means the date of the commencement of this section;
- "local government area" means—
- (a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;
 - (b) in relation to Wales, a county or county borough.

Textual Amendments

F1 Words in s. 1(11) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 192

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Modifications etc. (not altering text)

- C1** S. 1(11) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**); S.I. 1998/2327, **art. 2(1)(w)** (with savings in arts. 5-8))

VALID FROM 02/12/2002

[^{F2}1A Power of Secretary of State to add to relevant authorities **E+W**

The Secretary of State may by order provide that the chief officer of a body of constables maintained otherwise than by a police authority is, in such cases and circumstances as may be prescribed by the order, to be a relevant authority for the purposes of section 1 above.]

Textual Amendments

- F2** S. 1A inserted (2.12.2002) by **Police Reform Act 2002 (c. 30), s. 62(1)**; S.I. 2002/2750, **art. 2(a)(vii)**

VALID FROM 01/05/2004

[^{F3}1AA Individual support orders **E+W**

- (1) 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, it must consider whether the individual support conditions are fulfilled.
- (2) If it is satisfied that those conditions are fulfilled, the court must make an order under this section (“an individual support order”) which—
 - (a) requires the defendant to comply, for a period not exceeding six months, with such requirements as are specified in the order; and
 - (b) requires the defendant to comply with any directions given by the responsible officer with a view to the implementation of the requirements under paragraph (a) above.
- (3) The individual support conditions are—
 - (a) that an individual support order would be desirable in the interests of preventing any repetition of the kind of behaviour which led to the making of the anti-social behaviour order;
 - (b) that the defendant is not already subject to an individual support order; and
 - (c) that the court has been notified by the Secretary of State that arrangements for implementing individual support orders are available in the area in which it appears to it that the defendant resides or will reside and the notice has not been withdrawn.
- (4) If the court is not satisfied that the individual support conditions are fulfilled, it shall state in open court that it is not so satisfied and why it is not.

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- (5) The requirements that may be specified under subsection (2)(a) above are those that the court considers desirable in the interests of preventing any repetition of the kind of behaviour which led to the making of the anti-social behaviour order.
- (6) Requirements included in an individual support order, or directions given under such an order by a responsible officer, may require the defendant to do all or any of the following things—
- (a) to participate in activities specified in the requirements or directions at a time or times so specified;
 - (b) to present himself to a person or persons so specified at a place or places and at a time or times so specified;
 - (c) to comply with any arrangements for his education so specified.
- (7) But requirements included in, or directions given under, such an order may not require the defendant to attend (whether at the same place or at different places) on more than two days in any week; and “week” here means a period of seven days beginning with a Sunday.
- (8) Requirements included in, and directions given under, an individual support order shall, as far as practicable, be such as to avoid—
- (a) any conflict with the defendant’s religious beliefs; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (9) Before making an individual support order, the court shall obtain from a social worker of a local authority social services department or a member of a youth offending team any information which it considers necessary in order—
- (a) to determine whether the individual support conditions are fulfilled, or
 - (b) to determine what requirements should be imposed by an individual support order if made,
- and shall consider that information.
- (10) In this section and section 1AB below “responsible officer”, in relation to an individual support order, means one of the following who is specified in the order, namely—
- (a) a social worker of a local authority social services department;
 - (b) a person nominated by [^{F4}a person appointed as director of children’s services under section 18 of the Children Act 2004 or by] a person appointed as chief education officer under section 532 of the Education Act 1996 (c. 56);
 - (c) a member of a youth offending team.]

Textual Amendments

- F3** Ss. 1AA, 1AB inserted (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 322, 336(3); S.I. 2004/829 {art. 3(2)(b)}
- F4** Words s. 1AA(10)(b) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by virtue of [Children Act 2004 \(c. 31\)](#), ss. 18(9)(10), 67(2), [Sch. 2 para. 8](#); S.I. 2007/1792, [art. 2](#)

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VALID FROM 01/05/2004

[^{F3}1AB Individual support orders: explanation, breach, amendment etc E+W

- (1) Before making an individual support order, the court shall explain to the defendant in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under subsection (3) below) if he fails to comply with any of those requirements; and
 - (c) that the court has power (under subsection (6) below) to review the order on the application either of the defendant or of the responsible officer.
- (2) The power of the Secretary of State under section 174(4) of the Criminal Justice Act 2003 includes power by order to—
 - (a) prescribe cases in which subsection (1) above does not apply; and
 - (b) prescribe cases in which the explanation referred to in that subsection may be made in the absence of the defendant, or may be provided in written form.
- (3) If the person in respect of whom an individual support order is made fails without reasonable excuse to comply with any requirement included in the order, he is guilty of an offence and liable on summary conviction to a fine not exceeding—
 - (a) if he is aged 14 or over at the date of his conviction, £1,000;
 - (b) if he is aged under 14 then, £250.
- (4) No referral order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral of young offenders to youth offender panels) may be made in respect of an offence under subsection (3) above.
- (5) If the anti-social behaviour order as a result of which an individual support order was made ceases to have effect, the individual support order (if it has not previously ceased to have effect) ceases to have effect when the anti-social behaviour order does.
- (6) On an application made by complaint by—
 - (a) the person subject to an individual support order, or
 - (b) the responsible officer,the court which made the individual support order may vary or discharge it by a further order.
- (7) If the anti-social behaviour order as a result of which an individual support order was made is varied, the court varying the anti-social behaviour order may by a further order vary or discharge the individual support order.]

Textual Amendments

- F3** Ss. 1AA, 1AB inserted (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 322, 336(3); S.I. 2004/829 {art. 3(2)(b)}

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VALID FROM 01/04/2003

[^{F5}1B Orders in county court proceedings E+W

- (1) This section applies to any proceedings in a county court (“the principal proceedings”).
- (2) If a relevant authority—
 - (a) is a party to the principal proceedings, and
 - (b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,
 it may make an application in those proceedings for an order under subsection (4).
- (3) If a relevant authority—
 - (a) is not a party to the principal proceedings, and
 - (b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,
 it may make an application to be joined to those proceedings to enable it to apply for an order under subsection (4) and, if it is so joined, may apply for such an order.
- (4) If, on an application for an order under this subsection, it is proved that the conditions mentioned in section 1(1) are fulfilled as respects that other party, the court may make an order which prohibits him from doing anything described in the order.
- (5) Subject to subsection (6), the party to the principal proceedings against whom an order under this section has been made and the relevant authority on whose application that order was made may apply to the county court which made an order under this section for it to be varied or discharged by a further order.
- (6) Except with the consent of the relevant authority and the person subject to the order, no order under this section shall be discharged before the end of the period of two years beginning with the date of service of the order.
- (7) Subsections (5) to (7) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders made under this section as they apply for the purposes of the making and effect of anti-social behaviour orders.]

Textual Amendments

F5 S. 1B inserted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 63, 108(2); S.I. 2003/808, art. 2(f)

VALID FROM 02/12/2002

[^{F6}1C Orders on conviction in criminal proceedings E+W

- (1) This section applies where a person (the “offender”) is convicted of a relevant offence.
- (2) If the court considers—

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- (a) that the offender has acted, at any time since the commencement date, in an anti-social manner, that is to say in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, and
- (b) that an order under this section is necessary to protect persons in any place in England and Wales from further anti-social acts by him,
- it may make an order which prohibits the offender from doing anything described in the order.
- (3) The court may make an order under this section whether or not an application has been made for such an order.
- (4) An order under this section shall not be made except—
- (a) in addition to a sentence imposed in respect of the relevant offence; or
- (b) in addition to an order discharging him conditionally.
- (5) An order under this section takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.
- (6) An offender subject to an order under this section may apply to the court which made it for it to be varied or discharged.
- (7) In the case of an order under this section made by a magistrates' court, the reference in subsection (6) to the court by which the order was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.
- (8) No application may be made under subsection (6) for the discharge of an order before the end of the period of two years beginning with the day on which the order takes effect.
- (9) Subsections (7), (10) and (11) of section 1 apply for the purposes of the making and effect of orders made by virtue of this section as they apply for the purposes of the making and effect of anti-social behaviour orders.
- (10) In this section—
- “the commencement date” has the same meaning as in section 1 above;
- “the court” in relation to an offender means—
- (a) the court by or before which he is convicted of the relevant offence; or
- (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court; and
- “relevant offence” means an offence committed after the coming into force of section 64 of the Police Reform Act 2002 (c. 30).]

Textual Amendments

F6 S. 1C inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 64; S.I. 2002/2750, art. 2(a)(vii)

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VALID FROM 01/07/2005

[^{F7}1CA Variation and discharge of orders under section 1C E+W

- (1) An offender subject to an order under section 1C may apply to the court which made it for it to be varied or discharged.
- (2) If he does so, he must also send written notice of his application to the Director of Public Prosecutions.
- (3) The Director of Public Prosecutions may apply to the court which made an order under section 1C for it to be varied or discharged.
- (4) A relevant authority may also apply to the court which made an order under section 1C for it to be varied or discharged if it appears to it that—
 - (a) in the case of variation, the protection of relevant persons from anti-social acts by the person subject to the order would be more appropriately effected by a variation of the order;
 - (b) in the case of discharge, that it is no longer necessary to protect relevant persons from anti-social acts by him by means of such an order.
- (5) If the Director of Public Prosecutions or a relevant authority applies for the variation or discharge of an order under section 1C, he or it must also send written notice of the application to the person subject to the order.
- (6) In the case of an order under section 1C made by a magistrates' court, the references in subsections (1), (3) and (4) to the court by which the order was made include a reference to any magistrates' court acting in the same local justice area as that court.
- (7) No order under section 1C shall be discharged on an application under this section before the end of the period of two years beginning with the day on which the order takes effect, unless—
 - (a) in the case of an application under subsection (1), the Director of Public Prosecutions consents, or
 - (b) in the case of an application under subsection (3) or (4), the offender consents.]

Textual Amendments

- F7** S. 1CA inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 140(4)**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

VALID FROM 02/12/2002

[^{F8}1D Interim orders E+W

- (1) The applications to which this section applies are—
 - (a) an application for an anti-social behaviour order; and
 - (b) an application for an order under section 1B.

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- (2) If, before determining an application to which this section applies, the court considers that it is just to make an order under this section pending the determination of that application (“the main application”), it may make such an order.
- (3) An order under this section is an order which prohibits the defendant from doing anything described in the order.
- (4) An order under this section—
 - (a) shall be for a fixed period;
 - (b) may be varied, renewed or discharged;
 - (c) shall, if it has not previously ceased to have effect, cease to have effect on the determination of the main application.
- (5) Subsections (6), (8) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders under this section as they apply for the purposes of the making and effect of anti-social behaviour orders.]

Textual Amendments

- F8** S. 1D inserted (2.12.2002 in relation to s. 1D(1)(a)(2)-(5), otherwise 1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 65\(1\), 108\(2\)](#); S.I. 2002/2750, [art. 2\(a\)\(vii\)](#); S.I. 2003/808, [art. 2\(f\)](#)

VALID FROM 02/12/2002

[^{F9}1E Consultation requirements **E+W**

- (1) This section applies to—
 - (a) applications for an anti-social behaviour order; and
 - (b) applications for an order under section 1B.
- (2) Before making an application to which this section applies, the council for a local government area shall consult the chief officer of police of the police force maintained for the police area within which that local government area lies.
- (3) Before making an application to which this section applies, a chief officer of police shall consult the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside.
- (4) Before making an application to which this section applies, a relevant authority other than a council for a local government area or a chief officer of police shall consult—
 - (a) the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside; and
 - (b) the chief officer of police of the police force maintained for the police area within which that local government area lies.]

Textual Amendments

- F9** S. 1E inserted (2.12.2002 in relation to s. 1E(1)(a)(2)-(4), otherwise 1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), [s. 66](#); S.I. 2002/2750, [art. 2\(a\)\(vii\)](#); S.I. 2003/808, [art. 2\(f\)](#)

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VALID FROM 01/07/2005

[^{F10}1F Contracting out of local authority functions E+W

- (1) The Secretary of State may by order provide that a relevant authority which is a local authority may make arrangements with a person specified (or of a description specified) in the order for the exercise of any function it has under sections 1 to 1E above—
 - (a) by such a person, or
 - (b) by an employee of his.
- (2) The order may provide—
 - (a) that the power of the relevant authority to make the arrangements is subject to such conditions as are specified in the order;
 - (b) that the arrangements must be subject to such conditions as are so specified;
 - (c) that the arrangements may be made subject to such other conditions as the relevant authority thinks appropriate.
- (3) The order may provide that the arrangements may authorise the exercise of the function—
 - (a) either wholly or to such extent as may be specified in the order or arrangements;
 - (b) either generally or in such cases or areas as may be so specified.
- (4) An order may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
- (5) The Secretary of State must not make an order under this section unless he first consults—
 - (a) the National Assembly for Wales, if the order relates to a relevant authority in Wales;
 - (b) such representatives of local government as he thinks appropriate;
 - (c) such other persons as he thinks appropriate.
- (6) Any arrangements made by a relevant authority in pursuance of an order under this section do not prevent the relevant authority from exercising the function to which the arrangements relate.
- (7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
 - (a) section 72 (effect of contracting out);
 - (b) section 73 (termination of contracting out);
 - (c) section 75 and Schedule 15 (provision relating to disclosure of information);
 - (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).
- (8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function must be construed

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as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.

- (9) Relevant authorities and any person with whom arrangements are made in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.
- (10) An order under this section may make different provision for different purposes.
- (11) An order under this section may contain—
 - (a) such consequential, supplemental or incidental provisions (including provision modifying any enactment), or
 - (b) such transitional provisions or savings,as the person making the order thinks appropriate.
- (12) Each of the following is a local authority—
 - (a) a local authority within the meaning of section 270 of the Local Government Act 1972;
 - (b) the Common Council of the City of London;
 - (c) the Council of the Isles of Scilly.]

Textual Amendments

F10 S. 1F inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 142(1)**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

VALID FROM 01/10/2006

[^{F11}1G **Intervention orders** **E+W**

- (1) This section applies if, in relation to a person who has attained the age of 18, a relevant authority—
 - (a) makes an application for an anti-social behaviour order or an order under section 1B above (the behaviour order),
 - (b) has obtained from an appropriately qualified person a report relating to the effect on the person's behaviour of the misuse of controlled drugs or of such other factors as the Secretary of State by order prescribes, and
 - (c) has engaged in consultation with such persons as the Secretary of State by order prescribes for the purpose of ascertaining that, if the report recommends that an order under this section is made, appropriate activities will be available.
- (2) The relevant authority may make an application to the court which is considering the application for the behaviour order for an order under this section (an intervention order).
- (3) If the court—
 - (a) makes the behaviour order, and
 - (b) is satisfied that the relevant conditions are met,it may also make an intervention order.

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(4) The relevant conditions are—

- (a) that an intervention order is desirable in the interests of preventing a repetition of the behaviour which led to the behaviour order being made (trigger behaviour);
- (b) that appropriate activities relating to the trigger behaviour or its cause are available for the defendant;
- (c) that the defendant is not (at the time the intervention order is made) subject to another intervention order or to any other treatment relating to the trigger behaviour or its cause (whether on a voluntary basis or by virtue of a requirement imposed in pursuance of any enactment);
- (d) that the court has been notified by the Secretary of State that arrangements for implementing intervention orders are available in the area in which it appears that the defendant resides or will reside and the notice has not been withdrawn.

(5) An intervention order is an order which—

- (a) requires the defendant to comply, for a period not exceeding six months, with such requirements as are specified in the order, and
- (b) requires the defendant to comply with any directions given by a person authorised to do so under the order with a view to the implementation of the requirements under paragraph (a) above.

(6) An intervention order or directions given under the order may require the defendant—

- (a) to participate in the activities specified in the requirement or directions at a time or times so specified;
- (b) to present himself to a person or persons so specified at a time or times so specified.

(7) Requirements included in, or directions given under, an intervention order must, as far as practicable, be such as to avoid—

- (a) any conflict with the defendant's religious beliefs, and
- (b) any interference with the times (if any) at which he normally works or attends an educational establishment.

(8) If the defendant fails to comply with a requirement included in or a direction given under an intervention order, the person responsible for the provision or supervision of appropriate activities under the order must inform the relevant authority of that fact.

(9) The person responsible for the provision or supervision of appropriate activities is a person of such description as is prescribed by order made by the Secretary of State.

(10) In this section—

“appropriate activities” means such activities, or activities of such a description, as are prescribed by order made by the Secretary of State for the purposes of this section;

“appropriately qualified person” means a person who has such qualifications or experience as the Secretary of State by order prescribes;

“controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;

“relevant authority” means a relevant authority for the purposes of section 1 above.

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- (11) An order under this section made by the Secretary of State may make different provision for different purposes.
- (12) This section and section 1H below apply to a person in respect of whom a behaviour order has been made subject to the following modifications—
 - (a) in subsection (1) above paragraph (a) must be ignored;
 - (b) in subsection (2) above, for “is considering the application for” substitute made;
 - (c) in subsection (3) above paragraph (a), the word “and” following it and the word “also” must be ignored.

Textual Amendments

F11 Ss. 1G, 1H inserted (1.10.2006) by [Drugs Act 2005 \(c. 17\)](#), **ss. 20(1), 24(3)**, S.I. 2006/2136, {art. 2}

VALID FROM 01/10/2006

1H Intervention orders: explanation, breach, amendment etc. **E+W**

- (1) Before making an intervention order the court must explain to the defendant in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it,
 - (b) the consequences which may follow (under subsection (3) below) if he fails to comply with any of those requirements, and
 - (c) that the court has power (under subsection (5) below) to review the order on the application either of the defendant or of the relevant authority.
- (2) The power of the Secretary of State under section 174(4) of the Criminal Justice Act 2003 includes power by order to—
 - (a) prescribe cases in which subsection (1) does not apply, and
 - (b) prescribe cases in which the explanation referred to in that subsection may be made in the absence of the defendant, or may be provided in written form.
- (3) If a person in respect of whom an intervention order is made fails without reasonable excuse to comply with any requirement included in the order he is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) If the behaviour order as a result of which an intervention order is made ceases to have effect, the intervention order (if it has not previously ceased to have effect) ceases to have effect when the behaviour order does.
- (5) On an application made by—
 - (a) a person subject to an intervention order, or
 - (b) the relevant authority,the court which made the intervention order may vary or discharge it by a further order.
- (6) An application under subsection (5) made to a magistrates' court must be made by complaint.

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- (7) If the behaviour order as a result of which an intervention order was made is varied, the court varying the behaviour order may by a further order vary or discharge the intervention order.
- (8) Expressions used in this section and in section 1G have the same meaning in this section as in that section.]

Textual Amendments

F11 Ss. 1G, 1H inserted (1.10.2006) by Drugs Act 2005 (c. 17), ss. 20(1), 24(3), S.I. 2006/2136, {art. 2}

VALID FROM 01/07/2005

[^{F12}11 Special measures for witnesses **E+W**

- (1) This section applies to the following proceedings—
- (a) any proceedings in a magistrates' court on an application for an anti-social behaviour order,
 - (b) any proceedings in a magistrates' court or the Crown Court so far as relating to the issue whether to make an order under section 1C, and
 - (c) any proceedings in a magistrates' court so far as relating to the issue whether to make an order under section 1D.
- (2) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) shall apply in relation to any such proceedings as it applies in relation to criminal proceedings, but with—
- (a) the omission of the provisions of that Act mentioned in subsection (3) (which make provision appropriate only in the context of criminal proceedings), and
 - (b) any other necessary modifications.
- (3) The provisions are—
- (a) section 17(4),
 - (b) section 21(1)(b) and (5) to (7),
 - (c) section 22(1)(b) and (2)(b) and (c),
 - (d) section 27(10), and
 - (e) section 32.
- (4) Any rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act shall apply in relation to proceedings to which this section applies—
- (a) to such extent as may be provided by rules of court, and
 - (b) subject to such modifications as may be so provided.
- (5) Section 47 of that Act (restrictions on reporting special measures directions etc.) applies, with any necessary modifications, in relation to—
- (a) a direction under section 19 of the Act as applied by this section, or
 - (b) a direction discharging or varying such a direction,
- and sections 49 and 51 of that Act (offences) apply accordingly.]

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Textual Amendments

F12 S. 11 inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 143, 178\(8\)](#); S.I. [2005/1521](#), [art. 3\(1\)\(s\)](#)

VALID FROM 01/02/2009

[^{F13}1J] **Review of orders under sections 1, 1B and 1C** **E+W**

- (1) This section applies where—
 - (a) an anti-social behaviour order,
 - (b) an order under section 1B, or
 - (c) an order under section 1C,has been made in respect of a person under the age of 17.
- (2) If—
 - (a) 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
 - (b) 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—
 - (a) the period of 12 months beginning with—
 - (i) the day on which the order was made, 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);
 - (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—

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- (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.

Textual Amendments

F13 Ss. 1J, 1K inserted (1.2.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 123\(1\)](#), 153(7) (with [Sch. 27 para. 33](#)); [S.I. 2009/140](#), [art. 2\(b\)](#)

VALID FROM 01/02/2009

1K Responsibility for, and participation in, reviews under section 1J **E+W**

- (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.]

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Textual Amendments

F13 Ss. 1J, 1K inserted (1.2.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 123(1), 153(7) (with Sch. 27 para. 33); S.I. 2009/140, art. 2(b)

2 Sex offender orders. **E+W**

- (1) If it appears to a chief officer of police that the following conditions are fulfilled with respect to any person in his police area, namely—
 - (a) that the person is a sex offender; and
 - (b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is necessary to protect the public from serious harm from him,the chief officer may apply for an order under this section to be made in respect of the person.
- (2) Such an application shall be made by complaint to the magistrates' court whose commission area includes any place where it is alleged that the defendant acted in such a way as is mentioned in subsection (1)(b) above.
- (3) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrates' court may make an order under this section (a "sex offender order") which prohibits the defendant from doing anything described in the order.
- (4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting the public from serious harm from the defendant.
- (5) A sex offender order shall have effect for a period (not less than five years) specified in the order or until further order; and while such an order has effect, Part I of the ^{M1}Sex Offenders Act 1997 shall have effect as if—
 - (a) the defendant were subject to the notification requirements of that Part; and
 - (b) in relation to the defendant, the relevant date (within the meaning of that Part) were the date of service of the order.
- (6) Subject to subsection (7) below, the applicant or the defendant may apply by complaint to the court which made a sex offender order for it to be varied or discharged by a further order.
- (7) Except with the consent of both parties, no sex offender order shall be discharged before the end of the period of five years beginning with the date of service of the order.
- (8) If without reasonable excuse a person does anything which he is prohibited from doing by a sex offender order, he shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (9) Where a person is convicted of an offence under subsection (8) above, it shall not be open to the court by or before which he is so convicted to make an order under subsection (1)(b) (conditional discharge) of [^{F14}section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] in respect of the offence.

Status: Point in time view as at 14/12/2001. This version of this cross heading contains provisions that are not valid for this point in time.

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Textual Amendments

F14 Words in s. 2(9) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 193**

Modifications etc. (not altering text)

C2 S. 2(9) modified (30.9.1998) by 1991 c. 53, **Sch. 2 para. 8A(10)** (as added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 46(11)**); S.I. 1998/2327, **art. 2(1)(w)**(with savings in arts. 5-8)

Marginal Citations

M1 1997 c.51.

VALID FROM 02/12/2002

[^{F15}2A Interim orders: sex offenders **E+W**

- (1) This section applies where an application for a sex offender order (“the main application”) to a magistrates’ court has not been determined.
- (2) The applicant may apply by complaint to the court for an interim order, pending the determination of the main application.
- (3) The court may make an interim order prohibiting the defendant from doing anything described in the order if it considers that it is appropriate to do so.
- (4) An interim order—
 - (a) shall have effect for the period specified in the order;
 - (b) shall (if still in force) cease to have effect on the determination of the main application.
- (5) While an interim order is in force, Part 1 of the Sex Offenders Act 1997 (c. 51) shall have effect as if—
 - (a) the defendant were subject to the notification requirements of that Part; and
 - (b) in relation to him, the relevant date (within the meaning of that Part) were the date of service of the order.
- (6) The applicant or the defendant may apply by complaint to the court which made the interim order for it to be varied or discharged by a further order.
- (7) If without reasonable excuse a person does anything which he is prohibited from doing by an interim order, he is guilty of an offence.
- (8) A person guilty of an offence under subsection (7) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (9) Where a person is convicted of an offence under subsection (7) above, it shall not be open to the court by or before which he is convicted to make an order under subsection (1)(b)(conditional discharge) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) in respect of the offence.]

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Textual Amendments

F15 S. 2A inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 68\(1\)](#); S.I. 2002/2750, [art. 2\(a\)\(viii\)](#)

VALID FROM 02/12/2002

[^{F16}2B Sex offender orders made in Scotland or Northern Ireland **E+W**

- (1) If without reasonable excuse a person does anything in England and Wales which he is prohibited from doing there by—
 - (a) an order under section 20(4) below; or
 - (b) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)),he is guilty of an offence.
- (2) A person who is guilty of an offence under subsection (1) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (3) Where a person is convicted of an offence under subsection (1) above, it shall not be open to the court by or before which he is convicted to make an order under subsection (1)(b) (conditional discharge) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 in respect of the offence.]

Textual Amendments

F16 S. 2B inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 69](#); S.I. 2002/2750, [art. 2\(a\)\(viii\)](#)

3 Sex offender orders: supplemental. **E+W**

- (1) In section 2 above and this section “sex offender” means a person who—
 - (a) has been convicted of a sexual offence to which Part I of the ^{M2}Sex Offenders Act 1997 applies;
 - (b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence;
 - (c) has been cautioned by a constable, in England and Wales or Northern Ireland, in respect of such an offence which, at the time when the caution was given, he had admitted; or
 - (d) has been punished under the law in force in a country or territory outside the United Kingdom for an act which—
 - (i) constituted an offence under that law; and
 - (ii) would have constituted a sexual offence to which that Part applies if it had been done in any part of the United Kingdom.

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- (2) In subsection (1) of section 2 above “the relevant date”, in relation to a sex offender, means—
 - (a) the date or, as the case may be, the latest date on which he has been convicted, found, cautioned or punished as mentioned in subsection (1) above; or
 - (b) if later, the date of the commencement of that section.
- (3) Subsections (2) and (3) of section 6 of the ^{M3}Sex Offenders Act 1997 apply for the construction of references in subsections (1) and (2) above as they apply for the construction of references in Part I of that Act.
- (4) In subsections (1) and (2) above, any reference to a person having been cautioned shall be construed as including a reference to his having been reprimanded or warned (under section 65 below) as a child or young person.
- (5) An act punishable under the law in force in any country or territory outside the United Kingdom constitutes an offence under that law for the purposes of subsection (1) above, however it is described in that law.
- (6) Subject to subsection (7) below, the condition in subsection (1)(d)(i) above shall be taken to be satisfied unless, not later than rules of court may provide, the defendant serves on the applicant a notice—
 - (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;
 - (b) showing his grounds for that opinion; and
 - (c) requiring the applicant to show that it is satisfied.
- (7) The court, if it thinks fit, may permit the defendant to require the applicant to show that the condition is satisfied without the prior service of a notice under subsection (6) above.

Marginal Citations

M2 1997 c.51.

M3 1997 c.51.

4 Appeals against orders. **E+W**

- (1) An appeal shall lie to the Crown Court against the making by a magistrates’ court of an anti-social behaviour order or sex offender order.
- (2) On such an appeal the Crown Court—
 - (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
 - (b) may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates’ court) shall, for the purposes of section 1(8) or 2(6) above, be treated as if it were an order of the magistrates’ court from which the appeal was brought and not an order of the Crown Court.

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Commencement Information

- II** S. 4 wholly in force at 1.4.1999; S. 4 not in force at Royal Assent, see s. 121; s. 4 in force so far as relating to a sex offender order by [S.I. 1998/2327](#), **art. 4(1)**; S. 4 in force at 1.4.1999 to the extent that it is not already in force by [S.I. 1998/3263](#), **art. 5**

Status:

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Changes to legislation:

Crime and Disorder Act 1998, Cross Heading: Crime and disorder: general is up to date with all changes known to be in force on or before 31 May 2024. 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.