

ANTI-SOCIAL BEHAVIOUR ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Sanctions Etc.

Section 87: Penalty Notices for disorderly behaviour by young persons

171. This section amends the Criminal Justice and Police Act 2001 which introduced a penalty notice scheme for disorderly behaviour. *Subsection (2)* extends the scheme to 16 and 17 year olds and *subsection (3)* provides a power, by affirmative resolution procedure, to extend it to a lower age group. If so extended, there is also a power to make provision for a parent or guardian of an under 16 year old to be notified that a penalty notice has been given and for the parent or guardian to be liable to pay the penalty. *Subsection (4)* permits different levels of penalty to be set for different age groups. For the present, it is not intended to have a different level of penalty in respect of 16 and 17 year olds.
172. The extension of the scheme to 16 and 17 year olds will be piloted and supplementary guidance will be issued to the police on the use of their discretion. The power to extend the scheme to a younger age group at this stage will be revisited in the light of the outcome of these pilots for 16 and 17 year olds.