

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 4: Public order and conduct in public places etc.

Section 140: Variation and discharge of anti-social behaviour orders made on conviction

344. This section also amends the Crime and Disorder Act 1998. *Subsection (4)* inserts new section 1CA which allows a “relevant authority” as set out in section 1(1A) or the Crown Prosecution Service (CPS) to apply to vary or discharge an anti-social behaviour order made on conviction (that is, a section 1C order). At present only the subject of a section 1C order may make such an application.
345. New subsection 1CA (7) provides that no section 1C order shall be discharged before two years have passed since the date of the order without the consent of the defendant and the DPP. This is replicating the same principle that exists for section 1 and 1B orders, where the two parties to the application have to consent (section 1(9)).