



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 3

#### DISPERSAL POWERS

#### **35 Directions excluding a person from an area**

- (1) If the conditions in subsections (2) and (3) are met and an authorisation is in force under section 34, a constable in uniform may direct a person who is in a public place in the locality specified in the authorisation—
  - (a) to leave the locality (or part of the locality), and
  - (b) not to return to the locality (or part of the locality) for the period specified in the direction (“the exclusion period”).
- (2) The first condition is that the constable has reasonable grounds to suspect that the behaviour of the person in the locality has contributed or is likely to contribute to—
  - (a) members of the public in the locality being harassed, alarmed or distressed, or
  - (b) the occurrence in the locality of crime or disorder.
- (3) The second condition is that the constable considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of the events mentioned in subsection (2)(a) or (b).
- (4) The exclusion period may not exceed 48 hours.

The period may expire after (as long as it begins during) the period specified in the authorisation under section 34.
- (5) A direction under this section—
  - (a) must be given in writing, unless that is not reasonably practicable;
  - (b) must specify the area to which it relates;

- (c) may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).
- (6) The constable must (unless it is not reasonably practicable) tell the person to whom the direction is given that failing without reasonable excuse to comply with the direction is an offence.
- (7) If the constable reasonably believes that the person to whom the direction is given is under the age of 16, the constable may remove the person to a place where the person lives or a place of safety.
- (8) Any constable may withdraw or vary a direction under this section; but a variation must not extend the duration of a direction beyond 48 hours from when it was first given.
- (9) Notice of a withdrawal or variation of a direction—
  - (a) must be given to the person to whom the direction was given, unless that is not reasonably practicable, and
  - (b) if given, must be given in writing unless that is not reasonably practicable.
- (10) In this section “public place” means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- (11) In this Part “exclusion period” has the meaning given by subsection (1)(b).