



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 1

INJUNCTIONS

Supplemental

14 Requirements to consult etc

- (1) A person applying for an injunction under section 1 must before doing so—
- (a) consult the local youth offending team about the application, if the respondent will be aged under 18 when the application is made;
 - (b) inform any other body or individual the applicant thinks appropriate of the application.

This subsection does not apply to a without-notice application.

- (2) Where the court adjourns a without-notice application, before the date of the first on-notice hearing the applicant must—
- (a) consult the local youth offending team about the application, if the respondent will be aged under 18 on that date;
 - (b) inform any other body or individual the applicant thinks appropriate of the application.
- (3) A person applying for variation or discharge of an injunction under section 1 granted on that person's application must before doing so—
- (a) consult the local youth offending team about the application for variation or discharge, if the respondent will be aged under 18 when that application is made;
 - (b) inform any other body or individual the applicant thinks appropriate of that application.

(4) In this section—

“local youth offending team” means—

- (a) the youth offending team in whose area it appears to the applicant that the respondent lives, or
- (b) if it appears to the applicant that the respondent lives in more than one such area, whichever one or more of the relevant youth offending teams the applicant thinks it appropriate to consult;

“on-notice hearing” means a hearing of which notice has been given to the applicant and the respondent in accordance with rules of court;

“without-notice application” means an application made without notice under section 6.

15 Appeals against decisions of youth courts

(1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.

(2) On an appeal under this section the Crown Court may make—

- (a) whatever orders are necessary to give effect to its determination of the appeal;
- (b) whatever incidental or consequential orders appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by the youth court) is to be treated for the purposes of section 8 as an order of the youth court.

16 Special measures for witnesses

(1) 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) applies to proceedings under this Part as it applies to criminal proceedings, but with—

- (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and
- (b) any other necessary modifications.

(2) The provisions are—

- (a) section 17(4) to (7);
- (b) section 21(4C)(e);
- (c) section 22A;
- (d) section 27(10);
- (e) section 32.

(3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to proceedings under this Part—

- (a) to the extent provided by rules of court, and
- (b) subject to any modifications provided by rules of court.

(4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—

- (a) to a direction under section 19 of that Act as applied by this section;
- (b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

17 Children and young persons: disapplication of reporting restrictions

Section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply to proceedings under this Part.

18 Rules of court

- (1) Rules of court may provide that an appeal from a decision of the High Court, the county court or a youth court—
 - (a) to dismiss an application for an injunction under section 1 made without notice being given to the respondent, or
 - (b) to refuse to grant an interim injunction when adjourning proceedings following such an application,may be made without notice being given to the respondent.
- (2) Rules of court may provide for a youth court to give permission for an application for an injunction under section 1 against a person aged 18 or over to be made to the youth court if—
 - (a) an application to the youth court has been made, or is to be made, for an injunction under that section against a person aged under 18, and
 - (b) the youth court thinks that it would be in the interests of justice for the applications to be heard together.
- (3) In relation to a respondent attaining the age of 18 after proceedings under this Part have begun, rules of court may—
 - (a) provide for the transfer of the proceedings from the youth court to the High Court or the county court;
 - (b) prescribe circumstances in which the proceedings may or must remain in the youth court.

19 Guidance

- (1) The Secretary of State may issue guidance to persons entitled to apply for injunctions under section 1 (see section 5) about the exercise of their functions under this Part.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

20 Interpretation etc

- (1) In this Part—
 - “anti-social behaviour” has the meaning given by section 2;
 - “harm” includes serious ill-treatment or abuse, whether physical or not;
 - “housing accommodation” includes—
 - (a) flats, lodging-houses and hostels;

- (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
 - (c) any common areas used in connection with the accommodation;
 - “housing provider” means—
 - (a) a housing trust, within the meaning given by section 2 of the Housing Associations Act 1985, that is a charity;
 - (b) a housing action trust established under section 62 of the Housing Act 1988;
 - (c) in relation to England, a non-profit private registered provider of social housing;
 - (d) in relation to Wales, a Welsh body registered as a social landlord under section 3 of the Housing Act 1996;
 - (e) any body (other than a local authority or a body within paragraphs (a) to (d)) that is a landlord under a secure tenancy within the meaning given by section 79 of the Housing Act 1985;
 - “local authority” means—
 - (a) in relation to England, a district council, a county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
 - “respondent” has the meaning given by section 1(1).
- (2) A person’s age is treated for the purposes of this Part as being that which it appears to the court to be after considering any available evidence.

21 Saving and transitional provision

- (1) In this section “existing order” means any of the following injunctions and orders—
- (a) an anti-social behaviour injunction under section 153A of the Housing Act 1996;
 - (b) an injunction under section 153B of that Act (injunction against unlawful use of premises);
 - (c) an injunction in which anything is included by virtue of section 153D(3) or (4) of that Act (power to include provision banning person from premises or area, or to include power of arrest, in injunction against breach of tenancy agreement);
 - (d) an order under section 1 or 1B of the Crime and Disorder Act 1998 (anti-social behaviour orders etc);
 - (e) an individual support order under section 1AA of that Act made in connection with an order under section 1 or 1B of that Act;
 - (f) an intervention order under section 1G of that Act;
 - (g) a drinking banning order under section 3 or 4 of the Violent Crime Reduction Act 2006.
- (2) The repeal or amendment by this Act of provisions about any of the existing orders specified in subsection (1)(a) to (d), (f) and (g) does not apply in relation to—
- (a) an application made before the commencement day for an existing order;
 - (b) an existing order (whether made before or after that day) applied for before that day;
 - (c) anything done in connection with such an application or order.

- (3) The repeal or amendment by this Act of provisions about an order specified in subsection (1)(e) does not apply in relation to—
- (a) an individual support order made before the commencement day;
 - (b) anything done in connection with such an order.
- (4) As from the commencement day there may be no variation of an existing order that extends the period of the order or of any of its provisions.
- (5) At the end of the period of 5 years beginning with the commencement day—
- (a) in relation to any of the existing orders specified in subsection (1)(a), (b) and (d) to (g) that is still in force, this Part has effect, with any necessary modifications (and with any modifications specified in an order under section 185(7)), as if the provisions of the order were provisions of an injunction under section 1;
 - (b) the provisions of this Part set out in subsection (6) apply to any injunction specified in subsection (1)(c) that is still in force as they apply to an injunction under section 1;
 - (c) subsections (2) to (4) cease to have effect.
- (6) The provisions referred to in subsection (5)(b) are—
- (a) section 1(7);
 - (b) sections 4(2) and 9 (if a power of arrest is attached);
 - (c) sections 6 to 8;
 - (d) section 10;
 - (e) section 11 and Schedule 1;
 - (f) section 12 and Schedule 2;
 - (g) section 18(1).
- (7) In deciding whether to grant an injunction under section 1 a court may take account of conduct occurring up to 6 months before the commencement day.
- (8) In this section “commencement day” means the day on which this Part comes into force.