



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 2

CRIMINAL BEHAVIOUR ORDERS

Supplemental

31 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 criminal behaviour order proceedings 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 criminal behaviour order proceedings—
 - (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.

- (5) In this section “criminal behaviour order proceedings” means proceedings in a magistrates’ court or the Crown Court so far as relating to the issue whether to make a criminal behaviour order.

32 Guidance

- (1) The Secretary of State may issue guidance to—
 - (a) chief officers of police, and
 - (b) the councils mentioned in section 29(2),
 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.

33 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the orders specified in subsection (2) does not—
 - (a) prevent an order specified in that subsection from being made in connection with criminal proceedings begun before the commencement day;
 - (b) apply in relation to an order specified in that subsection which is made in connection with criminal proceedings begun before that day;
 - (c) apply in relation to anything done in connection with such an order.
- (2) The orders are—
 - (a) an order under section 1C of the Crime and Disorder Act 1998 (orders on conviction in criminal proceedings);
 - (b) an individual support order under section 1AA of that Act made in connection with an order under section 1C of that Act;
 - (c) a drinking banning order under section 6 of the Violent Crime Reduction Act 2006 (orders on conviction in criminal proceedings).
- (3) As from the commencement day there may be no variation of an order specified in subsection (2) that extends the period of the order or of any provision of the order.
- (4) At the end of the period of 5 years beginning with the commencement day—
 - (a) this Part has effect in relation to any order specified in subsection (2) that is still in force as if the provisions of the order were provisions of a criminal behaviour order;
 - (b) subsections (1) to (3) cease to have effect.

This Part, as it applies by virtue of paragraph (a), has effect with any necessary modifications (and with any modifications specified in an order under section 185(7)).

- (5) In deciding whether to make a criminal behaviour order a court may take account of conduct occurring up to 1 year before the commencement day.

- (6) In this section “commencement day” means the day on which this Part comes into force.