



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 4

COMMUNITY PROTECTION

CHAPTER 1

COMMUNITY PROTECTION NOTICES

Supplemental

54 Exemption from liability

- (1) A local authority exercising or purporting to exercise a power under section 47(2) is not liable to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of that power.
- (2) A person carrying out work under section 47(2), or a person by or on whose behalf work is carried out under section 49(2)(b), is not liable to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in carrying out that work.
- (3) Subsections (1) and (2) do not apply—
 - (a) to an act or omission shown to have been in bad faith, or
 - (b) to liability arising out of a failure to exercise due care and attention.
- (4) Subsections (1) and (2) do not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

- (5) This section does not affect any other exemption from liability (whether at common law or otherwise).

55 Issuing of notices

- (1) A notice under this Chapter may be issued to a person by—
- (a) handing it to the person,
 - (b) leaving it at the person's proper address, or
 - (c) sending it by post to the person at that address.
- (2) A notice under this Chapter to a body corporate may be issued to the secretary or clerk of that body.
- (3) A notice under this Chapter to a partnership may be issued to a partner or a person who has the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is the person's last known address, except that—
- (a) in the case of a body corporate or its secretary or clerk, it is the address of the body's registered or principal office;
 - (b) in the case of a partnership or person having the control or the management of the partnership business, it is the principal office of the partnership.
- (5) For the purposes of subsection (4) the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.
- (6) If a person has specified an address in the United Kingdom, other than the person's proper address within the meaning of subsection (4), as the one at which the person or someone on the person's behalf will accept notices of the same description as a notice under this Chapter, that address is also treated for the purposes of this section and section 7 of the Interpretation Act 1978 as the person's proper address.

56 Guidance

- (1) The Secretary of State may issue—
- (a) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Chapter;
 - (b) guidance to local authorities about the exercise of their functions under this Chapter and those of persons designated under section 53(1)(c).
- (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.

57 Interpretation of Chapter 1

In this Chapter—

“conduct” includes a failure to act;

“local authority” means—

- (a) in relation to England, a district council, a county council for an area for which there is no district 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;
- “owner”, in relation to premises, means—
- (a) a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the premises, whether in possession or in reversion;
 - (b) a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of not less than 3 years;
- “premises” includes any land.

58 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the notices specified in subsection (2) does not apply in relation to—
 - (a) a notice specified in that subsection served before the commencement day;
 - (b) anything done in connection with such a notice.
- (2) The notices are—
 - (a) a litter abatement notice under section 92 of the Environmental Protection Act 1990;
 - (b) a litter clearing notice under section 92A of that Act;
 - (c) a street litter control notice under section 93 of that Act;
 - (d) a defacement removal notice under section 48 of the Anti-social Behaviour Act 2003.
- (3) A community protection notice that contains no requirement that could not have been contained in one of the notices specified in subsection (2) may be issued in respect of conduct before the commencement day.
- (4) Subsection (3) applies only during the period of 3 months beginning with the commencement day.
- (5) In this section “commencement day” means the day on which this Chapter comes into force.