

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PARTS 1 TO 6

Magistrates' Courts Act 1980 (c. 43)

- 1 In section 143(2) of the Magistrates' Courts Act 1980 (provisions in which sums may be altered) paragraph (da) is omitted.

Housing Act 1980 (c. 51)

- 2 In Schedule 9 to the Housing Act 1980 (provisions relating to housing association and housing trust tenancies under Rent Act 1977), in paragraph 5, after "83" there is inserted "or 83ZA".

Highways Act 1980 (c. 66)

- 3 Sections 129A to 129G of the Highways Act 1980 (restriction of rights over highway) are repealed.

Police and Criminal Evidence Act 1984 (c. 60)

- 4 In section 64A of the Police and Criminal Evidence Act 1984 (photographing of suspects etc), for paragraph (ca) of subsection (1B) there is substituted—
“(ca) given a direction by a constable under section 35 of the Anti-social Behaviour, Crime and Policing Act 2014;”.

Prosecution of Offences Act 1985 (c. 23)

- 5 (1) In section 3 of the Prosecution of Offences Act 1985 (functions of DPP), subsection (2) is amended as follows.
- (2) In paragraph (fa), for the words from “section 1C” to “proceedings” there is substituted “section 22 of the Anti-social Behaviour, Crime and Policing Act 2014 (criminal behaviour orders made on conviction)”.
- (3) In paragraph (fb)—
- (a) for “section 1CA(3) of the Crime and Disorder Act 1998” there is substituted “section 27 of the Anti-social Behaviour, Crime and Policing Act 2014”;
- (b) for “section 1C” there is substituted “section 22”.

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- (4) In paragraph (fc)—
 - (a) for “section 1CA” there is substituted “section 27”;
 - (b) for “section 1C” there is substituted “section 22”.
- (5) Paragraphs (fd) and (fe) are omitted.

Housing Act 1985 (c. 68)

- 6 (1) Section 82A of the Housing Act 1985 (demotion because of anti-social behaviour) is amended as follows.
 - (2) In subsection (4)(a), for sub-paragraphs (i) and (ii) there is substituted—
 - “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
 - (3) For subsection (7A) there is substituted—
 - “(7A) In subsection (4)(a)(ii) “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.”
- 7 (1) Section 83 of that Act (proceedings for possession or termination: notice requirements) is amended as follows.
 - (2) In the heading, after “**termination:**” there is inserted “**general**”.
 - (3) Before subsection (1) there is inserted—
 - “(A1) This section applies in relation to proceedings for an order mentioned in section 82(1A) other than—
 - (a) proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2, or
 - (b) proceedings for possession of a dwelling-house under section 107D (recovery of possession on expiry of flexible tenancy).”
 - (4) In subsection (1), for the words from “proceedings for” to “tenancy),” there is substituted “proceedings to which this section applies”.
 - 8 (1) Section 83A of that Act (additional requirements in relation to certain proceedings for possession) is amended as follows.
 - (2) In subsection (2)(a), after “83” there is inserted “or 83ZA”.
 - (3) In subsection (2)(b), for “subsection (4)(a) of that section” there is substituted “section 83(4)(a) or section 83ZA(9)(a)”.

- (4) In subsection (3)(a), after “83” there is inserted “or 83ZA”.
- (5) In subsection (4)(a), after “83” there is inserted “or 83ZA”.
- (6) In subsection (5)—
- (a) for “the notice” there is substituted “a notice”;
 - (b) after “83” there is inserted “or a notice is served under section 83ZA”.
- 9 (1) Section 84 of that Act (grounds and orders for possession) is amended as follows.
- (2) In subsection (1), after “in accordance with” there is inserted “section 84A (absolute ground for possession for anti-social behaviour) or”.
- (3) In subsection (2)(a), for “that Schedule” there is substituted “Schedule 2”.
- (4) In subsection (3)—
- (a) after “83” there is inserted “or 83ZA”;
 - (b) for “such an order on any of those grounds above” there is substituted “an order on any of the grounds mentioned in subsection (2)”.
- 10 In the heading of section 85A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 11 (1) Section 121A of that Act (order suspending right to buy because of anti-social behaviour) is amended as follows.
- (2) In subsection (3)(a), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) In subsection (7)(a), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (4) For subsection (10) there is substituted—
- “(10) In this section “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.”
- 12 (1) In Schedule 1 to that Act (tenancies which are not secure tenancies), paragraph 4ZA (family intervention tenancies) is amended as follows.
- (2) In sub-paragraph (3)(a)—

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- (a) in the opening words, for “possession order under section 84” there is substituted “relevant possession order”;
 - (b) in sub-paragraph (i) the words “, on ground 2 or 2A of Part 1 of Schedule 2” are omitted.
- (3) In sub-paragraph (12), after the definition of “the new tenant” there is inserted—
- ““relevant possession order” means—
 - (a) a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2, or
 - (b) a possession order under section 84A;”.
- 13 In Part 5 of Schedule 2 to that Act (approval of redevelopment schemes for purposes of Ground 10A), in paragraph 5(3), after “83” there is inserted “or 83ZA”.
- 14 In Schedule 3 to that Act (grounds for withholding consent to assignment by way of exchange), in Ground 2, after “83” there is inserted “or 83ZA”.
- 15 (1) In that Schedule, Ground 2A is amended as follows.
- (2) In paragraph (a), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
- (3) In paragraph (b), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
- (4) In the definition of “relevant order”—
- (a) the word “or” before the final entry is omitted;
 - (b) in the final entry, after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
 - (c) at the end there is inserted—
 - “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;
 - an order under section 22 of that Act.”
- (5) After the definition of “relevant order” there is inserted—
- “An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.”
- (6) After the definition of “demotion order” there is inserted—
- “A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
- (7) The definition of a “Ground 2 or 14 possession order” is omitted.
- 16 After Ground 2A in that Schedule there is inserted—
- “Ground 2B*
- The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

Housing Act 1988 (c. 50)

- 17 (1) Section 6A of the Housing Act 1988 (demotion because of anti-social behaviour) is amended as follows.
- (2) In subsection (4), for paragraph (a) there is substituted—
- “(a) that the tenant or a person residing in or visiting the dwelling-house has engaged or has threatened to engage in—
- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
- (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) After subsection (10) there is inserted—
- “(10A) In subsection (4)(a)(ii) “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.”
- 18 (1) Section 7 of that Act (orders for possession) is amended as follows.
- (2) In subsection (3), after “below” there is inserted “(and to any available defence based on the tenant’s Convention rights, within the meaning of the Human Rights Act 1998)”.
- (3) In subsection (5A)(a), for “and 5” there is substituted “, 5 and 7A”.
- (4) In subsection (6)(a), after “Ground 2” there is inserted “, Ground 7A”.
- 19 In the heading of section 9A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 20 In Schedule 1 to that Act (tenancies which cannot be assured tenancies), in paragraph 12ZA (family intervention tenancies), in sub-paragraph (3)(a)(i), for “ground 14” there is substituted “ground 7A of Part 1 of Schedule 2 or ground 14, 14ZA”.

Environmental Protection Act 1990 (c. 43)

- 21 In the Environmental Protection Act 1990, sections 92 to 94A (litter abatement notices, litter clearing notices and street litter control notices) are repealed.

Housing Act 1996 (c. 52)

- 22 In the Housing Act 1996, sections 153A to 158 and Schedule 15 (injunctions against housing-related anti-social behaviour) are repealed.
- 23 In section 218A of that Act (anti-social behaviour: landlords’ policies and procedures), for subsections (8) and (8A) there is substituted—
- “(8) Anti-social behaviour is—

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- (a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
- (b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.”

Crime and Disorder Act 1998 (c. 37)

- 24 The following provisions of the Crime and Disorder Act 1998 are repealed—
- (a) sections 1 to 1K (anti-social behaviour orders etc);
 - (b) section 4 (appeals against orders);
 - (c) section 8A (parenting orders on breach of anti-social behaviour order).
- 25 (1) Section 8 of that Act (parenting orders) is amended as follows.
- (2) In subsection (1)(b), for “an anti-social behaviour order or” there is substituted “an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, an order is made under section 22 of that Act or a”.
 - (3) In subsection (1)(c) the words “, except in a case where section 8A below applies (parenting order on breach of anti-social behaviour order)” are omitted.
 - (4) In subsection (6)(a), for the words after “behaviour which led to” there is substituted “the order being made or the injunction granted”.
- 26 (1) Section 9 of that Act (parenting orders: supplemental) is amended as follows.
- (2) In subsection (1) the words “, other than an offence under section 1(10) above in respect of an anti-social behaviour order,” are omitted.
 - (3) In subsection (1B)—
 - (a) for “an anti-social behaviour order” there is substituted “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is granted or an order is made under section 22 of that Act”;
 - (b) after “which” there is inserted “grants the injunction or”.
 - (4) In subsection (2)—
 - (a) paragraph (d) and the word “or” before it are omitted;
 - (b) in the text after paragraph (d) the words “(including any report prepared under section 1(1C))” are omitted.
 - (5) Subsection (2AA) is repealed.
- 27 (1) Section 18 of that Act (interpretation etc) is amended as follows.
- (2) In subsection (1)—
 - (a) the definitions of “anti-social behaviour order” and “individual support order” are omitted;
 - (b) paragraph (za) of the definition of “responsible officer” is omitted.
 - (3) In subsection (4)—
 - (a) the words “an individual support order or” are omitted;

(b) for “the child, defendant or parent, as the case may be” there is substituted “the child or, as the case may be, the parent”.

28 In section 38 of that Act (local provision of youth justice services), in subsection (4) (f) the words “individual support orders,” are omitted.

29 In section 114 of that Act (orders and regulations), in subsection (2) “(1A), (1G)” is omitted.

Criminal Justice and Police Act 2001 (c. 16)

30 Sections 12 to 16 of the Criminal Justice and Police Act 2001 (alcohol consumption in designated public places) are repealed.

Police Reform Act 2002 (c. 30)

31 (1) Section 50 of the Police Reform Act 2002 (power of constable to require person acting in an anti-social manner to give name and address) is amended as follows.

(2) In subsection (1) the words “(within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)” are omitted.

(3) After that subsection there is inserted—

“(1A) In subsection (1) “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).”

32 In Part 1 of Schedule 4 to that Act (powers exercisable by community support officers), paragraph 1(2)(e) (powers to issue fixed penalty notices in respect of offences under dog control orders) and the word “and” before it are omitted.

33 In Schedule 5 to that Act (powers exercisable by accredited persons), in paragraph 1(2), paragraph (d) and the word “and” before it are omitted.

Licensing Act 2003 (c. 17)

34 Sections 161 to 166 of the Licensing Act 2003 (closure orders of identified premises) are repealed.

35 (1) Section 167 of that Act (review of premise licence following closure order) is amended as follows.

(2) In subsection (1)(a), for “a closure order has come into force” there is substituted “a magistrates’ court has made a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act”.

(3) In subsection (1)(b), for the words after “the relevant licensing authority has” there is substituted “accordingly received a notice under section 80(9) or 84(7) of that Act”.

(4) In subsection (4)(a), for the words after “notice of” there is substituted “the review and of the order mentioned in subsection (1)(a)”.

(5) In subsection (5)(a), for the words after “to consider” there is substituted “the order mentioned in subsection (1)(a) and any relevant representations”.

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- 36 In section 168 of that Act (provisions about decisions under section 167), in subsections (3)(b) and (6)(b), for the words after “the premises to which the licence relates” there is substituted “are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014”.
- 37 Section 169 of that Act (enforcement of closure order) is repealed.
- 38 (1) Section 170 of that Act (exemption of police from liability for damages) is amended as follows.
- (2) In subsection (1) the words “of his functions in relation to a closure order or any extension of it or” are omitted.
- (3) Paragraph (b) of subsection (2) is omitted.
- 39 (1) Section 171 of that Act (interpretation of Part 8) is amended as follows.
- (2) In subsection (2), for “Relevant premises” there is substituted “Premises”.
- (3) In subsection (3) the word “relevant” is omitted.
- (4) In subsection (5)—
- (a) in the definition of “appropriate person” the word “relevant” is omitted;
- (b) the definitions of “closure order”, “extension”, “relevant magistrates’ court”, “relevant premises”, “responsible senior police officer” and “senior police officer” are omitted.
- 40 In Schedule 3 to that Act (matters to be entered in licensing register), for the words after “any notice given to it under” in paragraph (z) there is substituted “section 80(9) or 84(7) of the Anti-social Behaviour, Crime and Policing Act 2014 (notification by court of closure order)”.

Anti-social Behaviour Act 2003 (c. 38)

- 41 The following provisions of the Anti-social Behaviour Act 2003 are repealed—
- (a) Part 1 (closure of premises where drugs used unlawfully);
- (b) Part 1A (closure of premises associated with persistent disorder or nuisance);
- (c) Part 4 (dispersal of groups etc);
- (d) sections 40 and 41 (closure of noisy premises);
- (e) sections 48 to 52 (removal of graffiti and fly-posting) and the cross-heading before section 48.

Clean Neighbourhoods and Environment Act 2005 (c. 16)

- 42 Sections 55 to 64, 66 and 67 of the Clean Neighbourhoods and Environment Act 2005 are repealed.

Government of Wales Act 2006 (c. 32)

- 43 In Schedule 7 to the Government of Wales Act 2006 (legislative competence of Welsh Assembly), in the list of exceptions in paragraph 12, for “Anti-social behaviour orders” there is substituted “Orders to protect people from behaviour that causes or is likely to cause harassment, alarm or distress”.

Violent Crime Reduction Act 2006 (c. 38)

- 44 The following provisions of the Violent Crime Reduction Act 2006 (which relate to drinking banning orders) are repealed—
- (a) sections 1 to 7;
 - (b) section 8(1) to (6);
 - (c) sections 9 to 14.
- 45 Section 27 of that Act (directions to individuals who represent a risk of disorder) is repealed.

Crime and Security Act 2010 (c. 17)

- 46 Sections 40 and 41 of the Crime and Security Act 2010 (anti-social behaviour orders: report on family circumstances and parenting orders on breach) are repealed.

Localism Act 2011 (c. 20)

- 47 (1) In Schedule 14 to the Localism Act 2011 (grounds on which landlord may refuse to surrender and grant tenancies under section 158 of that Act), paragraph 6 (Ground 6) is amended as follows.
- (2) In sub-paragraph (2), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
- (3) In sub-paragraph (3), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
- (4) In sub-paragraph (4), in the definition of “relevant order”—
- (a) the word “or” before paragraph (e) is omitted;
 - (b) in paragraph (e), after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
 - (c) at the end there is inserted—
 - “(f) an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, or
 - (g) an order under section 22 of that Act;”.
- (5) After the definition of “relevant order” in that sub-paragraph there is inserted—
“An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988.”
- (6) After the definition of “demotion order” in that sub-paragraph there is inserted—
“A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to the Housing Act 1985 or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
- (7) The definition of “Ground 2 or 14 possession order” in that sub-paragraph is omitted.
- 48 After paragraph 6 of that Schedule there is inserted—

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“Ground 6A

- 6A This ground is that a dwelling-house let on an existing tenancy is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 49 (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid for civil legal services) is amended as follows.
- (2) In paragraph 36 of Part 1 (anti-social behaviour), in sub-paragraph (1), for the words after “in relation to” there is substituted “an application for, or proceedings in respect of, an injunction against the individual under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014.”
- (3) In paragraph 7 of Part 3 (certain advocacy services in a magistrates’ court excepted from the advocacy exclusion), for “and 15 to 18” there is substituted “, 15 to 18 and 36”.

Repeal of spent provisions etc

- 50 The following provisions are repealed.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Crime and Disorder Act 1998 (c. 37)	Section 40(2).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 192.
Police Reform Act 2002 (c. 30)	Sections 61 to 66.
Licensing Act 2003 (c. 17)	Section 155(2). In Schedule 6, paragraphs 121 to 125.
Anti-social Behaviour Act 2003 (c. 38)	Section 13. Section 14(3)(a). Section 56(1). Section 85(2) to (7) and (9) to (11). Section 86(1) to (4).
Sexual Offences Act 2003 (c. 42)	In Schedule 6, paragraph 38(3).
Criminal Justice Act 2003 (c. 44)	Sections 322 and 323. In Schedule 26, paragraph 59.
Children Act 2004 (c. 31)	In Schedule 2, paragraph 8.
Serious Organised Crime and Police Act 2005 (c. 15)	Section 139(1) to (9). Section 140(1) to (4).

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	Sections 141 to 143. In Schedule 7, paragraph 36. In Schedule 10, paragraph 3(3)(b).
Clean Neighbourhoods and Environment Act 2005 (c. 16)	Section 2. Section 20(2). Section 21. Section 22. Section 31. In Schedule 4, paragraphs 7, 13 and 16 to 19.
Drugs Act 2005 (c. 17)	Section 20. In Schedule 1, paragraph 7.
Violent Crime Reduction Act 2006 (c. 38)	Section 8(7). Section 26. Section 59(1).
Police and Justice Act 2006 (c. 48)	Section 26. In Schedule 14, paragraphs 12(3), 13(3), 15, 32 and 33.
Mental Health Act 2007 (c. 12)	In Schedule 1, paragraph 21.
Criminal Justice and Immigration Act 2008 (c. 4)	Section 118. Section 123. Section 124. Schedule 20.
Transport for London Act 2008 (c. i)	Section 29(a).
Coroners and Justice Act 2009 (c. 25)	In Schedule 21, paragraph 72.
Policing and Crime Act 2009 (c. 26)	Section 31.
Police Reform and Social Responsibility Act 2011 (c. 13)	In Schedule 16, paragraphs 307 to 309.
Localism Act 2011 (c. 20)	Section 155(1).