

Who can apply for an order?

Agencies able to apply for orders are referred to as ‘relevant authorities’ in the legislation (section 1(1 A) of the Crime and Disorder Act 1998). These are:

local authorities - by virtue of sections 1(A) and 1(12) of the 1998 Act, a local authority is, in England, the council of a county, district or London Borough, the Isle of Wight or the Isles of Scilly, or, in Wales, the council of a county or county borough; police forces, including the British Transport Police (BTP);

registered social landlords (RSLs), that is a body registered as a social landlord under section 1 of the Housing Act 1996; and Housing Action Trusts (I-IATs).

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Simon Cordell’s Skeleton Argument (2) Pdf

Anti-social behaviour orders: the basics

The Environment Agency and Transport for London are to be designated as relevant authorities in due course.

Local authorities and the police may apply for an order where they consider it necessary to protect persons in their area (‘relevant persons’) from further anti-social behaviour irrespective of where the original anti-social behaviour took place. An order can be sought which provides protection not just to the relevant persons but also, where necessary, to any persons in England and Wales.

The BTP, RSLs and HATs are empowered to apply for orders by virtue of changes introduced under the Police Reform Act 2002, which enable these agencies to deal with their particular problems of anti-social behaviour in a more effective and timely manner. RSLs and HATs may apply for orders against non-residents as well as residents and should consider doing so where the antisocial behaviour of non-residents is affecting the quality of life for residents.

Applications from the BTP, RSLs or HATs must concern anti-social behaviour related to the premises for which they are responsible by persons who are on or in the vicinity of such premises or likely to be either on or in the vicinity of such premises.

The BTP, RSLs and HATs are required to consult both the local authority and local police force when applying for an order. The agencies are not compelled to use the power. The police or local authority may still apply for ASBOs on their behalf.

Under section 17 of the 1998 Act, the police and local authorities have a joint responsibility to develop and implement strategies for tackling anti-social behaviour and disorder in the local area. This responsibility is not changed in any way by allowing the BTP, RSLs and HATs to apply for orders.

Which courts can make ASBOs?

ASBOs can be made by:

* magistrates’ courts (acting in their civil capacity).

county courts (where the relevant authority or the person against whom the order is sought is a party to the proceedings and the non-party is joined to these proceedings); magistrates’ courts (on conviction in criminal proceedings).

the Crown Court (on conviction in criminal proceedings).

youth courts (on conviction in criminal proceedings); and

at the time this guidance was being revised, 11 county courts, which were trialling hearings for ASBO cases for children and young people. These are as follows:

- **Bristol**
- **Central London**
- **Clerkenwell**
- **Dewsbury**