

TOGETHER

TACKLING ANTI-SOCIAL BEHAVIOUR

FOREWORD	1
PART 1 DRUGS	3
PART 2 HOUSING	4
PART 3 PARENTS	5
PART 4 DISPERSAL	6
PART 5 FIREARMS	7
PART 6 ENVIRONMENT	8
PART 7 PUBLIC ORDER AND TRESPASS	10
PART 8 HIGH HEDGES	11
PART 9 MISCELLANEOUS POWERS	12
COMMENCEMENT DATES FOR THE ACT	14

Foreword

Respect – for each other and for the area in which we live – is at the heart of strong and prosperous communities. Anti-social behaviour undermines our communities creating an environment of fear and neglect.

Effective solutions to these problems are not the responsibility of a single agency or organisation. Residents and tenants, local authorities, victims and witnesses, the police, social services, schools, businesses and many other groups and individuals have a role and responsibility to tackle anti-social behaviour.

It is the responsibility of Government to provide the leadership and support to ensure local people use the tools and resources available to them to take a stand against anti-social behaviour.

On 14th October 2003 – the Home Office launched the TOGETHER campaign and published an Action Plan ‘Together: Tackling Anti-Social Behaviour’. The campaign will help improve the response to tackling anti-social behaviour – including funding for every area of England and Wales, a new TOGETHER ActionLine, website and Academy to provide help and support to practitioners and a range of projects to tackle nuisance families, begging and environmental crime.

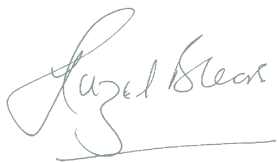
Alongside this, the new Anti-social Behaviour Act gives local agencies the tools to get on with the job. It clarifies, streamlines and reinforces the powers available to practitioners. It builds on the measures we have already introduced, including Anti-social Behaviour Orders in the Crime and Disorder Act 1998 and Fixed Penalty Notices for Disorder in the Criminal Justice and Police Act 2001.

The Anti-social Behaviour Act helps the police and local authorities to work together with local people to tackle anti-social behaviour. The provisions in the Act need to be put to work and used to protect victims of anti-social behaviour and the communities most affected by the problem.

This Guide explains the Act's contents and how it can be used to deal with anti-social behaviour. In the coming months the TOGETHER Academy and TOGETHER ActionLine will provide even more help to enable local agencies to use the powers and resources available to them.

Too many people have had to put up with the consequences of anti-social behaviour. A minority has, for too long, spread disorder, fear and distress. Taken together – the existing powers, the new powers introduced in the Act, the Action Plan and the TOGETHER campaign – will make a real and lasting difference to the lives of people who are victims of anti-social behaviour.

I hope this Guide helps you turn these words into action.



Hazel Blears MP
Minister of State
Home Office
 January 2004

PART 1

DRUGS: CLOSURE OF PREMISES WHERE DRUGS ARE USED UNLAWFULLY (SECTIONS 1–11)

Powers are needed to enable the swift closure of properties taken over by drug dealers and users of Class A drugs. The arrival of a crack house on an estate or in a community is a serious threat to the safety and well-being of its residents; this power means swift action can be taken to close them down and keep them closed.

New powers for senior police officers

- A senior police officer can issue a Closure Notice on premises they have reason to believe are being used for the production, supply or use of Class A drugs and is causing serious nuisance or disorder.

New powers for the courts

- The police must then apply to the Court within 48 hours for a Closure Order. The Court must be satisfied that:
 - a) the premises has been used in connection with the production, supply or use of Class A drugs
 - b) the premises is associated with disorder or serious nuisance
 - c) an Order is necessary to prevent the occurrence of disorder/ serious nuisance

Duration of order

- The Closure Order can apply for up to 3 months, with the ability to extend it to a maximum 6 months. During this period entering or remaining in the property will be an offence and the premises will be sealed.

PART 2 HOUSING: NEW POWERS FOR SOCIAL LANDLORDS TO TACKLE ANTI-SOCIAL TENANTS (SECTIONS 12–17)

Tenants that choose not to respect their homes or the communities they live in, could face losing their home unless their behaviour changes. All social landlords will be expected to outline clearly how they will tackle anti-social behaviour and implement the new powers available to them. In the Housing Bill, currently before Parliament the Government is also proposing additional powers to ensure that all landlords meet their responsibilities to help keep communities safe.

Landlords' policies and procedures

- A key part of tackling anti-social behaviour is to ensure that tenants know exactly what their social landlord will do about anti-social behaviour.
- Section 12 of the Act requires all social landlords (local housing authorities, Registered Social Landlords and Housing Action Trusts) to publish policies and procedures on how they deal with anti-social behaviour.

Housing injunctions

- Local authority landlords already have powers to tackle anti-social behaviour. Injunctions may be obtained from the court without notice on the day the anti-social behaviour occurs. Section 13 gives Registered Social Landlords and Housing Action Trusts the same powers to protect their tenants as local authorities and widens the circumstances in which social landlords can seek injunctions.
- This section enables social landlords to apply to the court for housing injunctions to prevent behaviour capable of causing nuisance and annoyance which indirectly or directly affects their housing management functions. This makes it easier to exclude perpetrators from the areas where they have been causing trouble; wider categories of people can be protected; and a power of arrest or

an exclusion order will be available where there has been anti-social behaviour but no violence or threat of violence; this could include emotional or psychological harm.

Demotion orders

- If a tenant behaves anti-socially, or allows a member of their household or visitors to do so, using sections 14 and 15, a social landlord can apply to the court for a demotion order ending the tenant's existing tenancy and replacing it with a less secure demoted tenancy. This removes the tenant's Right to Buy and security of tenure for at least a year.
- At the end of a year if the landlord has been satisfied by the tenant's conduct of the tenancy it will become either an assured tenancy (if the landlord is an Registered Social Landlord) or a secure tenancy (if the landlord is a local authority or Housing Action Trust).

Proceedings for possession

- Section 16 of the Act requires courts to give particular consideration to the impact of anti-social behaviour on victims, witnesses and the wider community in all nuisance-related housing possession cases.

PART 3 PARENTS: MEETING RESPONSIBILITIES TO THEIR CHILDREN AND TO THEIR COMMUNITY (SECTIONS 18–29)

Parents have a critical role in teaching children the difference between right and wrong. Schools, local authorities and Youth Offending Teams already work in partnership with parents to improve the behaviour of children and young people. This part of the Act is about supporting parental responsibility and the agencies that work with parents and children. It gives parents support so they can respond more effectively to the challenges of parenting, but it also introduces consequences where responsibility is not taken.

Parenting contracts offer a method by which agencies can work with parents on a voluntary and structured basis. They will be a two-sided arrangement where both the parent and the agency will play a part in improving the child's behaviour.

Parenting orders are imposed by a court and are usually used where the parent has not engaged with support on a voluntary basis. They contain requirements on the parent or guardian, this will usually include a requirement to attend a programme, and can also contain other requirements, such as ensuring that their child attends school. If the parent does not comply with the order the court can impose a level 3 fine (max £1000) or any sentence available for a non-imprisonable offence.

Changes to all parenting orders

- Sections 18, 20 and 26 provide that all types of parenting order (including those made under this Act, and those made under the Crime and Disorder Act 1998) will be able to include a requirement for a parent to attend a residential course where the court is satisfied:

a) that their attendance at a residential course is likely to be more effective than their attendance at a non-residential course, and

b) that any interference with family life which is likely to result from the parent's attendance is proportionate in all the circumstances.

New powers for schools and Local Education Authorities

- Section 19 enables schools and Local Education Authorities to enter into parenting contracts with the parent(s) of a child who has truanted or been excluded from school.
- Sections 20 – 22 allow Local Education Authorities to apply to court for parenting orders in respect of the parent(s) of a child excluded (permanently or for two fixed periods) from school for serious misbehaviour.
- Section 23 allows Local Education Authorities, head teachers (and deputy and assistant head teachers authorised by the head teacher), and the police to be able to issue penalty notices to a parent in relation to the truancy of their child. If the penalty notice is unpaid then the local authority can decide to bring forward a prosecution for the offence.

New powers for Youth Offending Teams

- Section 25 allows Youth Offending Teams to enter into parenting contracts with the parent(s) of a child who has engaged in or is likely to engage in criminal conduct or anti-social behaviour.
- Parenting Orders have previously only been available where a child is convicted of a criminal offence. Section 26 to 29 allows Youth Offending Teams to apply to court for a parenting order where a child or young person has engaged in criminal conduct or anti-social behaviour. These will not require that the child is convicted for an offence, and will therefore enable the parent(s) to be engaged in addressing their child's behaviour at an earlier stage.

PART 4 DISPERSAL: DEALING WITH INTIMIDATING GROUPS (SECTIONS 30–36)

People have the right to feel safe in their communities. It is unacceptable for people to be afraid to use our public spaces; cash points, shops or parks, because they feel threatened by groups of people hanging around. These new powers will enable police and local authorities to work together to identify particular problem areas that need targeted action to help local communities to remove intimidation and anti-social behaviour from their streets.

New powers to disperse intimidating groups

- Part 4 creates a power for a senior police officer to designate an area, with local authority agreement, where there is persistent anti-social behaviour and a problem with groups causing intimidation.
- Once a senior police officer and the local authority have agreed to designate an area, they must publish that fact in a local newspaper or through notices in the area, and it can then be designated for up to six months.
- In these areas police and community support officers will have a power to disperse groups where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. The individuals can then be excluded from a specified area for up to 24 hours.

- The group does not commit an offence because an officer has chosen to use this power. However if individuals refuse to follow the officer's directions to disperse they will be committing an offence.
- There will also be powers in the designated area for the police and community support officers to take children home after 9pm at night if they are not under the control of an adult. This is a discretionary power, it is not a curfew, and does not require the police to act in relation to every child out at that time.

PART 5 FIREARMS: INTRODUCING NEW PROHIBITIONS ON AIR WEAPONS AND IMITATION FIREARMS (SECTIONS 37–39)

There have been a number of incidents where people have used airguns or replicas to cause criminal damage, perpetrate crime or intimidate communities. This ranges from children using airguns to break windows to people who use imitation firearms for serious criminal offences. Action must be taken to protect the public from alarm and intimidation.

New powers for the police

- Under section 37 the police will be able to arrest someone carrying an air weapon (whether loaded or not) or an imitation firearm in a public place without lawful authority or reasonable excuse.
- Section 38 will mean that a young person must be 17 before they may own an air weapon and it will be an offence for anybody to make a gift of an air weapon to a person under that age, subject to a level 3 fine (max £1000). Air weapons may only be used unsupervised by young persons when they are in an approved rifle club or (if 14 or over) they are on private land and have the permission of the occupier. It has also been made an offence to shoot outside the boundaries of that private land.

New prohibitions on specific types of air weapon

- Section 39 brings into force a specific ban on the sale, purchase, transfer, acquisition and manufacture of air guns using a self-contained gas-cartridge system. Existing owners will be able to retain possession provided they obtain a firearms certificate for the gun, and will have until 30 April 2004 to do so.
- Section 39 (6) allows the Secretary of State to prohibit or introduce other controls in respect of air weapons which he considers to be especially dangerous (such as those which can be converted to fire conventional ammunition).

PART 6 ENVIRONMENT: CLEANER AND SAFER COMMUNITIES (SECTIONS 40–56)

The effects of anti-social behaviour are most visible when the results of that behaviour disrupt and ruin public places such as shopping precincts, town centres or railway stations. If a window is broken or a wall is covered in graffiti it can contribute to an environment in which crime takes hold, particularly if intervention is not prompt and effective. Persistent noise nuisance from one family or individual often ruins the lives of many people that live near them. New powers to deal with these problems swiftly will be available under the Act.

New powers to stop nuisance noise

- The Noise Act 1996 allowed Environmental Health Officers to issue a warning for noise in a domestic dwelling at night and, if it continues, issue a fixed penalty notice of £100. However, this required local authorities to adopt that power and take on additional duties as a result. Section 42 of this Act extends this power to the whole of England and Wales without associated duties. Importantly, it also allows local authorities to keep the proceeds of notices issued.
- Environmental Health Officers will be able to close licensed premises, such as a pub or night-club, for up to 24 hours where a public nuisance is being caused by noise and the closure is necessary to prevent that nuisance. A person commits an offence if, without reasonable excuse, he allows a premises to be open in contravention of a closure notice.

Powers to tackle graffiti and fly-posting

- A local authority officer, community support officer or person accredited by the chief constable may issue a fixed penalty notice of £50 in relation to minor graffiti and fly-posting offences, and the local authority will keep the proceeds.
- The Act introduces a power for local authorities to issue a graffiti removal notice to a statutory undertaker, such as railways and port authorities, or person responsible for street furniture under sections 48 to 52. If the property is not cleaned in 28 days the local authority can clean it without fear of prosecution and reclaim their costs. This power is subject to appeal and is regulated by guidance.
- Section 53 changes the penalty for the offence of displaying advertisements in contravention of regulations under the Town and Country Planning Act 1990 from being subject to a level 3 fine (max £1,000) to level 4 fine (max £2,500).
- Section 54 creates a new offence of selling spray paints to someone under 16. Someone committing this offence, who can not prove that they took all reasonable steps to determine the purchasers age, will be liable to a level 4 fine (max £2,500).

Fly-tipping

- Local authorities will have additional powers to investigate and tackle fly-tipping which have been only available to the Environment Agency under section 55. This includes the ability to stop, search and seize vehicles suspected of being used to fly-tip waste and the power to investigate incidents in order to track down and prosecute those responsible for dumping the waste. The Secretary of State will be able to make directions to clarify the division of roles and responsibilities between local authorities and the Environment Agency.
- Local authorities and the Environment Agency can be required to submit data on the fly-tipping incidents they deal with. The Environment Agency already has a database and a standard classification system. We would like local authorities to adopt the classification system and for the Agency to develop their database into a web-based system that local authorities can return and access data easily at minimum expense.

Litter

- Local authorities can already issue a litter abatement notice requiring the owner of the land to clean it. If this notice is ignored they can enter the land themselves, clear it of litter and recover the cost through the courts. Section 56 removes an exemption that prevents local authorities from entering and clearing Crown land or the land of statutory undertakers, such as railways and port authorities. Crown land occupied for armed forces purposes remains exempt.

PART 7 PUBLIC ORDER AND TRESPASS: NEW POWERS (SECTIONS 57–64)

New powers relating to public assemblies, raves, trespassers and unauthorised encampments have been introduced in recognition of the damage that can be caused to communities and individuals by these problems.

New powers to control public assemblies

- Section 57 amends the definition of public assembly in Section 16 of the Public Order Act 1986 from an assembly of 20 or more persons to an assembly of 2 or more persons. This means that where they are exercising powers under section 14 of the 1986 Act, the senior officer may give directions imposing conditions on a public assembly comprising as few as 2 people.
- The limited circumstances in which the police can impose conditions on assemblies under section 14, are not changed in any way. The senior officer must reasonably believe that the public assembly may result in serious public disorder, serious disruption to the life of the community, or the purpose of the persons organising the assembly is the intimidation of others with a view to compelling them not to do something they have a right to do or to do something they have a right not to do.

Improved powers to close illegal raves

- Section 58 amends section 63 of the Criminal Justice and Public Order Act 1994 to allow the police to direct participants at indoor raves to leave buildings where trespass is involved and to include events of 20 or more people (current legislation applies to gatherings of 100 or more people). It also creates a criminal offence, with a power of arrest, for a person on whom a direction under section 63 has been served to attend any other outdoor or indoor trespassory rave within 24 hours of the direction being given.

Aggravated trespass

- Section 59 amends sections 68 and 68 of the Criminal Justice and Public Order Act 1994 to extend provisions relating to the offence of aggravated trespass to cover trespass in buildings, as well as in the open air. This means that an offence of aggravated trespass will be committed where a person trespassing, whether in a building or in the open air, does anything which is intended to intimidate or deter persons from engaging in a lawful activity, or to obstruct or disrupt that activity.
- The police will be able to arrest someone for aggravated trespass when they are inside a building as well as on land in the open air or direct a person to leave a building as well as land.

Power to remove trespassers

- A new power for senior police officers to move on unauthorised encampments when they are trespassing on the land, where there are 2 or more people with 1 or more vehicles and there is a suitable pitch available on a relevant site in the local authority's area.

PART 8 HIGH HEDGES (SECTIONS 65–84)

Part of respecting your community and neighbours means keeping your property in good condition. Neighbour disputes are often caused when this does not happen. For example, many people are concerned about the effect of hedges that are out of control. Although common law rights entitle people to cut overhanging branches back to the property boundary line, they can do nothing about hedge height. The Act changes that.

- Local authorities will have powers to deal with complaints about high hedges which are having an adverse effect on a neighbour's enjoyment of his property. Complaining to the local authority would always be a last resort and neighbours would be expected to have made every effort to resolve the issue amicably. The local authority will be able to charge a fee for this service.
- If the local authority consider the circumstances justify it, they will issue a formal notice outlining what action should be taken to remedy the problem and to prevent it recurring. Failure to comply with the notice would be an offence. The local authority also has powers to go in and do the work themselves, recovering the costs from the hedge owner.

PART 9

MISCELLANEOUS POWERS: IMPROVING ENFORCEMENT POWERS (SECTIONS 85–91)

Enforcement of rules and standards of behaviour is critical to tackling anti-social behaviour. Unless rules and powers are enforced, there are no consequences for the small minority of people who perpetrate the majority of problems. The Act ensures that the right powers are in place, that they are available to the right people and that they are straightforward and effective.

Anti-social Behaviour Orders (ASBOs)

- There are a range of agencies who already have the power to apply for ASBOs, including local authorities, police, British Transport Police, and Registered Social Landlords. Although an ASBO can be issued in the Magistrates' Court, breach of that order is a criminal offence and, in the case of young people, will be dealt with in the Youth Court. Section 85 of the Act will ensure that when an ASBO is breached a representative of the relevant authority will have access to the proceedings in the Youth Court.
- Automatic reporting restrictions currently apply to all matters dealt with in the youth court, including civil orders on conviction. ASBOs made against juveniles in other courts are not subject to automatic reporting restrictions. Awareness of an order and its conditions enables communities to assist the statutory agencies in monitoring the orders. It also reassures victims and witnesses that action is being taken to protect them. Section 86 removes automatic reporting restrictions while retaining the confidentiality of the details of the conviction. There is still a discretion for the court to impose reporting restrictions if, for example, the court held the view that it would be in the best interests for the rehabilitation of the child.
- Housing Action Trusts and County Councils will be able to apply for ASBOs on the same basis as Registered Social Landlords, and the British Transport Police. This means that they will be required to consult with both the local police and district council (where one exists) before making the application.
- Local authorities will be able to prosecute breach of ASBOs where they were the applicant agency or

where the individual concerned resides or appears to reside in their area. Breach of an ASBO is currently prosecuted by the Crown Prosecution Service (CPS). However, local authorities, as the applicant agencies, are most familiar with the background to cases, and have more developed relationships with witnesses and victims. The CPS will retain responsibility for reviewing breach allegations and take action except where the local authority chooses to do so.

- The CPS will have a clear role in bringing forward additional evidence seeking an ASBO following a criminal conviction. The prosecutor will be able to ask the court to make an order on conviction and present evidence for this purpose. This can include evidence inadmissible in the criminal proceedings.
- Currently the court has the power to impose a Parenting Order (see part three above) at the same time as issuing an ASBO to a 10–15 year-old if they think it will help to change the child's behaviour. Section 85 (8) creates a duty for the court to make a Parenting Order when issuing an ASBO if the order would be desirable in the interests of preventing repetition of the behaviour which led to the ASBO.
- A relevant authority will be able to apply to the County Court to impose an order on someone whose behaviour is linked to proceedings against another person in the County Court. For example if someone is being evicted for anti-social behaviour that has been caused by their friend, it will be possible to give an order to that friend. This avoids the need for the same evidence to be presented twice in two different courts. It will speed up protection from anti-social behaviour for communities and free up court time to deal with other cases.

Penalty notices for disorder

- The Criminal Justice and Police Act 2001 created the ability to issue a penalty notice for a range of disorder offences (currently £40 or £80). If the penalty notice is not paid within 21 days it is automatically registered as a fine of one and a half times the penalty amount.

- The Police Reform Act 2002 created the new civilian role of community support officer and also enabled a chief officer of police to establish and maintain a scheme that accredits suitably skilled and trained non-police employees to undertake specified functions in support of the police. Section 89 allows the chief officer of police to include the power to issue penalty notices for disorder within these specified functions. It also enables both community support officers and accredited officers to stop cyclists in order to issue a penalty notice for cycling on the pavement.
- The current penalty notice for disorder scheme is limited to those aged 18 or above. Under section 87 the Police, community support officers and Accredited Persons will be able to issue penalty notices for disorder to 16-17 year olds. The Secretary of State also has the power to extend penalty notices for disorder to under-16s and to make parents liable to pay.

Curfew orders and supervision orders

- The supervision order is a community sentence for offenders aged under 18. Section 88 and Schedule 2 will extend the maximum period during which the offender must comply with specific directions from the supervising officer or court, such as participating in programmes to assist his rehabilitation from 90 to 180 days.
- Curfew orders require an offender to remain for specified periods at a specified place and is usually monitored electronically. Section 88 and Schedule 2 will extend the maximum period of a curfew with electronic monitoring from 3 months to up to 6 months for offenders aged 10-15. It will also make it clear that where a young offender is subject to both a supervision and curfew order then the Youth Offending Team supervising officer is responsible for dealing with any breach of the curfew order rather than the electronic monitoring contractor.
- These measures will help to strengthen the Youth Justice Board's Intensive Supervision and Surveillance Programme, which makes use of the curfew and

supervision order legislation to rehabilitate the most persistent and serious offenders in the community and divert them from custody. The changes will allow ISSP to be available for 12 months (the programme is currently only available for 6 months).

Fostering as part of a supervision order

- Section 88 and Schedule 2 also enables the court to include a fostering requirement as part of a supervision order. This measure will apply to young offenders whose criminal behaviour is to a large extent due to their home circumstances and who would otherwise have received a custodial sentence.

Court ordered local authority reports

- Section 90 will allow the courts to require local authorities to report back within 7 working days on how they would undertake their responsibilities if 10 or 11-year-old serious or persistent offenders were remanded to local authority accommodation. This will allow reasoned dialogue between the courts and local authorities to facilitate improved decision-making at an early stage of the court process in cases of persistent and serious 10 and 11-year-old offenders.
- The Secretary of State has the power to extend this measure to 12-16 year-old serious or persistent offenders.

Local authority injunctions

- Section 222 of the Local Government Act 1972 gives local authorities a general right to institute legal proceedings to promote or protect the rights of inhabitants of their area. It is a wide-ranging power which can be used by local authorities where other more specific remedies are not appropriate or available. An injunction is one of a range of civil remedies that can be obtained using section 222. Section 91 will enable the local authority to request that a power of arrest is attached to an injunction obtained under section 222 if there is the use or threat of violence, or a significant risk of harm.

Act Reference	Description	Commencement Date	Area date applies to	Further information	Contact
Part 1 DRUGS					
Sections 1-11	Premises where drugs are used unlawfully	20 January 2004	England Wales	Draft non Statutory Notes Of Guidance published 7/11/03 Final version available from www.homeoffice.gov.uk	Home Office 020 7273 2377
Part 2 HOUSING					
Section 12-17	- Duty for Landlords to publish policies and procedures - Injunctions against anti-social behaviour - Demoted tenancies - Court discretion in proceedings for possession	30 June 2004	England	Statutory and Good Practice Guidance on section 12 will be published in June	Office of the Deputy Prime Minister 020 7944 3676
Part 3 PARENTS					
Section 18	Amending parenting orders under the Crime and Disorder Act 1988 to allow for a residential element to a parenting programme	27 February 2004	England Wales	Draft published 22/10/03. Final available 26/02/04 at www.homeoffice.gov.uk	Home Office 020 7273 4078
Sections 19- 22 and 24	Parenting contracts for truancy and exclusion Parenting orders on exclusion	27 February 2004	England	Draft published 22/10/03. Final available www.dfes.gov.uk/behaviourandattendance	Department for Education and Skills (DfES) 020 7925 6327
Section 23	Penalty notices for parents in cases of truancy	27 February 2004	England Wales	As above	DfES 020 7925 6167
Sections 25-29	Parenting contracts and orders in cases of criminal conduct and anti-social behaviour	27 February 2004	England Wales	Draft published 22/10/03. Final available 26/02/04	Home Office 020 7273 4078
Part 4 DISPERSAL					
Sections 30- 36	Dispersal of groups	20 January 2004	England Wales	Draft published on www.homeoffice.gov.uk	Home Office 020 7273 8166
Part 5 FIREARMS					
Sections 37 and 38	Possessions of air weapon or imitation firearm in a public place Air weapons: age limits	20 January 2004	England Wales Scotland	Home Office circular to the police was issued on the 14 January.	Home Office 020 7273 4046
Section 39 (1),(2), (3), (4), (5) and (6)	Prohibition of certain air weapons that use the self-contained gas cartridge system	20 Jan 2004 (purchase, acquisition, manufacture and sale) 30 April 2004 (possession)	England Wales Scotland	Home Office circular to the police was issued on the 14 January.	Home Office 020 7273 2623

Act Reference	Description	Commencement Date	Area date applies to	Further Information	Contact
Part 6 ENVIRONMENT					
Sections 40 and 41	Closure of noisy premises by approved environmental health officers	31 March 2004	England	Guidance will be included in DCMS guidance on the Licensing Act. To be reissued in late 2004	Department for Environment, Food and Rural Affairs (DEFRA) 020 7082 8415
Section 42	National availability of penalty notice night noise	31 March 2004	England	Noise Act circular will be reissued by DEFRA at the end of January 2004	As above
Sections 43- 47	Penalty notices for graffiti and fly-posting	31 March 2004	43 to 45 and 47: England 46:England and Wales	Guidance will be produced by DEFRA in March	DEFRA 020 7082 8752
Sections 48- 52	Removal of graffiti from street furniture etc.	31 March 2004	12 local authorities in England in March	Guidance will be published in March	Home Office 020 7273 2755
Section 53	Raising the penalty of fly-posting from a level 3 to a level 4 fine	20 January 2004	England Wales		DEFRA 020 7082 8752
Section 54	Sale of aerosol paints banned to under 16s	31 March 2004	England Wales	Guidance will be published in March	Home Office 020 7273 2755
Sections 55 and 56	Waste and litter – powers to local authorities to tackle fly-tipping and enforce litter abatement notices	31 March 2004	England	A consultation paper on fly-tipping measures is available on www.defra.gov.uk	DEFRA 020 7082 8752
Part 7 PUBLIC ORDER AND TRESPASS					
Sections 57- 59	Public order and trespass	20 January 2004 Wales	England		Home Office 020 7273 4239
Sections 60- 64	Powers to remove trespassers: alternative site available, etc	27 February 2004	England Wales	Joint ODPM and Home Office draft guidance will be published in February 2004	Home Office 020 7273 2074
Part 8 HIGH HEDGES					
Sections 65- 84	High hedges	1 October 2004	England	Draft guidance will be available for consultation in the summer	ODPM 020 7944 5624
Part 9 MISCELLANEOUS POWERS					
Section 85 (1) - (3) & (7)	Anti-social behaviour orders – adding HATs & county councils as relevant authorities who can apply for ASBOs	20 January 2004	England Wales	Justices’ Clerks’ Society producing guidance on ASBO procedure in the Magistrates Court	Home Office 020 7273 2508
Section 85 (4) (10B)	Allowing relevant authorities access to ASBO breach proceedings in the youth court	20 January 2004	England Wales		As above
Section 85 (8)	Duty for the court to make a parenting orders with an ASBO	27 February 2004	England Wales		As above

THE ANTI-SOCIAL BEHAVIOUR ACT 2003

Act Reference	Description	Commencement Date	Area date applies to	Further information	Contact
Part 9 continued					
Section 85 (4)(10A)	Local authorities prosecuting ASBO breaches	31 March 2004	England Wales		Home Office 020 7273 2508
Section 85 (5)-(6) & 9)-(11)	Joining persons to county court proceedings in order to issue an anti-social behaviour order	31 March 2004 (adults) 1 October 2004 (juveniles)	England Wales		As above
Section 86 (1) and (2)	Role of prosecutors and evidence for orders made on conviction of offences	31 March 2004	England Wales	Guidance will be issued by the CPS	As above
Section 86 (3) (9A)	Local authorities prosecuting breaches of orders made on conviction of offence	31 March 2004	England Wales		As above
Section 86 (3) (9B) & (9C) & (4)	Lifting automatic reporting restrictions for orders made on conviction of offences in the youth court	20 January 2004	England Wales	Existing guidance 'Reporting Restrictions in the Magistrates Court' will be revised	As above
Section 86 (5)-(6)	Evidence for football banning orders on conviction and functions of the Director of Public Prosecutions	20 January 2004	England Wales		Home Office 020 7273 3168
Section 87	Penalty notices for disorderly behaviour extended to 16 and 17 year olds and the power to introduce a further order to lower it.	20 January 2004	England Wales	Guidance to the police is available on www.homeoffice.gov.uk	Home Office 020 7273 3981
Section 88 and schedule 2	Curfew orders and supervision orders	30 September 2004	England Wales	Draft Guidance will be issued for consultation in Spring 2004	Home Office 020 7273 3297
Section 88	Fostering as part of a suspension order	Pilots in Autumn 2004	England Wales	Draft guidance will issued for consultation in Spring 2004	Home Office 020 7273 3297
Section 89 (1)-(4), (6) and (7)	Powers for community support officers and accredited persons to stop cyclists in order to issue a penalty notice. Power to state offences Community Support Officers and accredited officers can issue FPN for.	20 January 2004	England Wales		Home Office 020 7035 5094
Section 89 (5)	Powers of accredited persons to issue penalty notices for disorder	31 March 2004	England Wales	Guidance will be available in April 2004. Draft guidance will be issued for consultation in Spring 2004	Home Office 020 7035 5094
Section 90	Report by local authority in certain cases where a young person is remanded on bail	31 July 2004	England Wales		020 7273 3297
Section 91	Proceedings under section 222 of the Local Government Act 1072: power of arrest attached to an injunction	30 June 2004	England		ODPM 020 7944 3774

A full copy of the Act is available from <http://www.legislation.hmso.gov.uk/acts.htm> Detailed explanation of the Act is available in the Explanatory Notes. Additional advice and guidance will also be produced on specific measures where required.

The together ActionLine and Academy will be available from March 2004, to provide advice and support on the Act and other measures to tackle anti-social behaviour.