

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 anti-social 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
Huddersfield
Leicester
Manchester
Oxford
Tameside
Wigan
Wrexham

The pilot will be evaluated in autumn 2006.

The table overleaf sets out what each type of court can do.

Length of orders

Orders are issued for a minimum of two years and can be issued for an indefinite period pending a further order. They can also be varied or discharged on application by either party, although they cannot be discharged in the first two years without the consent of both parties. In the case of young people, ASBOs should be reviewed each year as explained on page 45.

Anti-social behaviour response courts

Within Her Majesty's Courts Service there is now a network of specialist anti-social behaviour response courts across the country - existing courts that are better able to respond to the issue of anti-social behaviour. They ensure that magistrates and court staff are specially trained and follow a framework - including specialist sessions, witness care, local community engagement and appropriate media strategies. This ensures courts are able to respond properly to anti-social behaviour cases in a visible and consistent way.