

BREACH OF ANTI-SOCIAL BEHAVIOUR ORDER

Anti-Social Behaviour (NI) Order 2004

7.- (1) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he shall be guilty of an offence ...

Maximum Sentence:

Anti-Social Behaviour (NI) Order 2004, Article 7(1)

Indictment: 5 years imprisonment or an unlimited fine or both

Summary: 6 months imprisonment or a fine not exceeding the statutory maximum (£5,000) or both

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>		<u>Starting Point</u>	<u>Sentencing Range</u>
Breach of a technical nature		Fine	Fine to Community Order
Breach of a fundamental nature	Not causing harassment, alarm or distress to the public	Community Order	Community Order to 3 months Custody
	Causing harassment, alarm or distress to the public	3 months Custody	Community Order to 6 months Custody

Examples of Possible Aggravating Factors of Offence

1. Planning or pre-meditation
2. Offender involves other persons to assist in the offence
3. Offence caused children to be distressed/frightened
4. Targeting of a specific victim or group
5. Victim or group is particularly vulnerable

Examples of Possible Mitigating Factor of Offence

N/A

Relevant Cases:

NI Cases:

N/A

English Cases:

1. R v Braxton [2005] 1 Cr App R (S) 36
2. R v Dickinson [2005] 2 Cr App R (S) 78
3. R v Lamb [2005] EWCA Crim 3000
4. R v H, Stevens and Lovegrove [2006] Cr App R(S) 68

Notes:

1. The court cannot impose a Condition Discharge for this offence – Article 7(4) of the 2004 Order