

EVENT

Crime and Policing Act 2026: Key changes to ASB enforcement powers

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📅 26 Jun 2026, 11:00 am via Zoom



1. Civil injunction powers

2. Closure orders

3. Practical challenges and strategy





Key reforms to civil injunction powers

Sarah Salmon





Part A1 - Anti-social Behaviour, Crime and Policing Act 2014

Respect orders

- Application in the High Court or county court
- Applicant?

A local authority, a housing provider,* the chief officer of police for a police area, the chief constable of the British Transport Police Force, Transport for London, Transport for Greater Manchester, the Environment Agency, the Natural Resources Body for Wales, the Secretary of State exercising security management functions, or a Special Health Authority exercising security management functions* on the direction of the Secretary of State, or the Welsh Ministers exercising security management functions, or a person exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person.
- Against?

A person aged 18 or over

Housing providers

- For housing provider the application has to concern anti-social behaviour that “directly or indirectly relates to or affects its housing management functions”.
- This includes:
 - functions conferred by or under an enactment;
 - the powers and duties of the housing provider as the holder of an estate or interest in housing accommodation.
- “housing accommodation” includes:
 - flats, lodging-houses and hostels;
 - any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
 - any common areas used in connection with the accommodation.



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Security management functions

“security management functions” in relation to the health service means his power to take action for the purpose of protecting and improving the security of:

- persons employed by the Secretary of State or an NHS body in the provision of services for the purposes of the health service (“NHS services”) or in arranging for the provision of such services,
- health service providers and persons employed by them so far as they or persons so employed are engaged in any activity directly related to the provision of NHS services,
- NHS contractors and persons employed by them so far as they or persons so employed are engaged in any activity directly related to the provision of NHS services,
- persons who work in any capacity on premises used by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of NHS services or with arranging for the provision of such services,
- persons on such premises who are there for the purpose of receiving, or are receiving or have received, treatment or other services as patients, or who are accompanying such persons,
- property and information used or held by the Secretary of State, an NHS body, a health service provider, or an NHS contractor, in connection with the provision of NHS services or with arranging for the provision of such services.

section 195(3) of the National Health Service Act 2006

The test

First limb

- The court must be satisfied on the balance of probabilities that the respondent has engaged or threatens to engage in **anti-social behaviour**: s.A1(1)(a).
- “*anti-social behaviour*” means conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.

Second limb

- The court considers it just and convenient to make the order for the purpose of preventing the respondent from engaging in anti-social behaviour: s.A1(1)(b).

Contents

01

Prohibitions & requirements

- Prohibit or require the respondent from doing anything described in the order.
- For the purpose of preventing the respondent from engaging in anti-social behaviour.

02

Length of order

- A respect order **must**: specify the period for which it has effect, **or** state that it has effect until further order.
- A respect order **may**: specify periods for which particular prohibitions or requirements have effect.

03

Need to avoid?

- Prohibitions and requirements that
- Interfere with the times, if any, at which the respondent normally works or attends any educational establishment;
 - conflict with the requirements of any other court order or injunction to which the respondent is subject.

Requirements

Section D1:

- Needs to be a “supervisor” who will be responsible for supervising compliance.
- Can be an individual or an organisation.
- The supervisor has obligations under the 2014 Act including promoting compliance with the order and taking steps if they think a respondent has failed to comply.
- The court cannot require a respondent to do anything unless it has received evidence as to its suitability and enforceability from the supervisor (for organisations this will be from an individual representing the organisation).
- If two or more requirements are sought the court must consider their compatibility before including in an order.
- If the requirement is that a respondent is to participate in a particular activity then the order must declare that the requirement is an “activity requirement”.
- The following obligations have effect as requirements of the order. The respondent must:
 - keep in touch with the supervisor in relation to that requirement, in accordance with any instructions given by the supervisor from time to time; and,
 - notify the supervisor of any change of address.

Power to exclude from the home

Two conditions have to be met.

- First – the applicant has to be:
 - LA,
 - chief officer of police for the police area that the premises are in, or,
 - a housing provider where the premises are owned or managed by that housing provider.
- Second - the court considers that:
 - the anti-social behaviour in which the respondent has engaged or threatens to engage **consists of or includes the use or threatened use of violence against other persons, or**
 - there is a **significant risk of harm to other persons** from the respondent.



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The closest fit?

Examples:

- *Birmingham City Council v Shafi* [2009] 1 WLR 1961
- *Birmingham CC v James* [2013] EWCA Civ 552
- *Sharif v Birmingham City Council* [2020] EWCA Civ 1488
- Section A1(8):

“A court may treat an application for a respect order as an application under section 1A (power to grant housing injunctions) for an injunction under that section”.

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Other applications

01

Without notice

- Can apply.
- The court must adjourn the proceedings and make an interim order; adjourn the proceedings without making an interim order; or dismiss the application.
- Court rules may provide for appeals to be without notice.

02

Interim orders

- The court may make an interim respect order until the final hearing or further order if the court considers it just to do so.
- An interim order made at a without notice hearing may not have the effect of requiring the respondent to participate in particular activities.
- Subject to that, the court has the same powers as it has in relation to a respect order made at a final hearing.

03

Variation and discharge

The court has the power to vary or discharge the order.
Application can be made by the applicant or respondent.
The power to vary includes a power to add prohibitions/requirements or extend periods. If an application is dismissed need permission from the court or agreement with the other side to make any further applications.

Breaches

- Duty on the supervisor to give warning for breach of activity requirement: section H1.
- Creation of offences: section I1:
 - It is an offence for a person without reasonable excuse—
 - (a) to do anything the person is prohibited from doing by a respect order, or
 - (b) to fail to do anything the person is required to do by a respect order (does not apply in relation to a failure to comply with an activity requirement unless, within the period of 12 months ending with the date of the failure, the person has been given a warning under section H1 in relation to that requirement).
- A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a period not exceeding 2 years or a fine (or both).
- Where a person is convicted of an offence it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

Other changes: headlines

01

Power to grant injunctions: s.1

- Will be "Youth Injunctions" *i.e.* 10 years or over but under 18.
- Test remains the same but meaning of ASB different.
- Cannot exclude from where they normally live.
- Cannot be granted for more than 12 months.
- In the Youth Court.

02

Power to grant housing injunctions: s.1A

- Injunctions to deal with "housing-related anti-social conduct".
- Section 2 becomes the section that tells you what "housing-related anti-social conduct" is.
- First and second limbs of the test the same but "housing-related anti-social conduct" not ASB.
- Reciprocal can treat any application as an application for a respect order provision.

Supplementary provisions

**Risk
assessments:
s.J1 & 13A**

**Requirements
to give notice:
s.K1**

**Special
measures:
s.L1**

**Guidance:
s.M1**

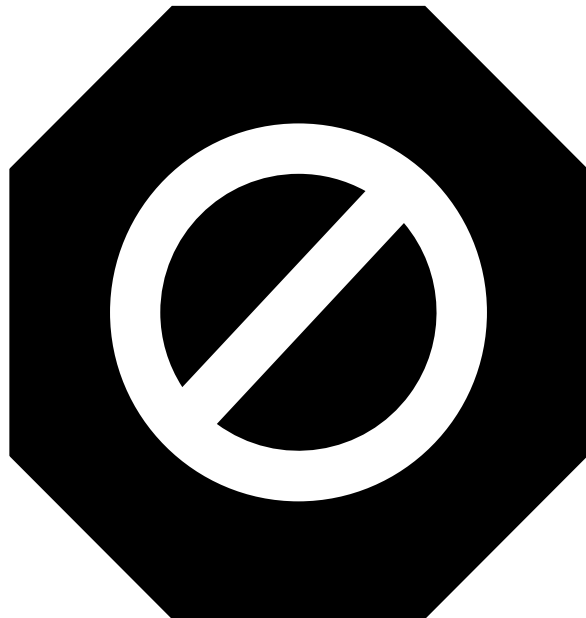


The widening use and scope of closure orders

Alexander Campbell



The current law



- Sections 76 to 93, Anti-social Behaviour, Crime and Policing Act 2014

**Extent/
duration**

**What's
changed?**

**Who can use
them**

Extent/duration

Closure notices

77 Duration of closure notices

- (1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.

Closure notices

01

Current law

**24 hours general
maximum**

02

New law

**48 hours general
maximum**

Extent/duration

Closure notices

77 Duration of closure notices

- (1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.
- (2) The maximum period is 48 hours—
 - (a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or
 - (b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.

Closure notices

01

Current law

48 hours extended period

02

New law

72 hours extended period



Extent/duration

Temporary orders

- Section 81, 2014 Act
- Extension of closure notice by Magistrates' Court
- Conditions

Temporary orders

01

Current law

48 hours

02

New law

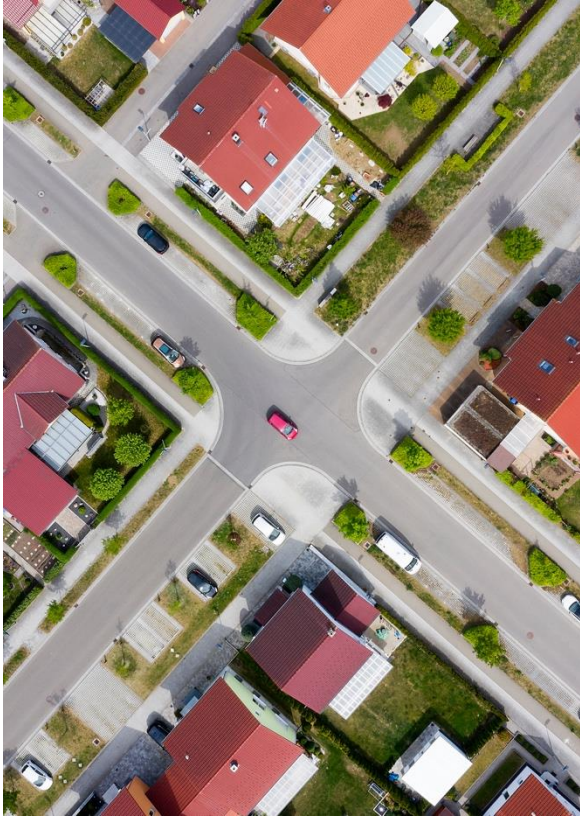
72 hours

Extent/duration

Future regulations?

- New section 83A, 2014 Act
- Different purposes
- Consultation
- Parliamentary procedure





Who can use closure orders?

- Schedule 2, 2026 Act
- Registered social housing providers (“RSH providers”)

Closure notice by RSH provider

Ownership

Signature

**Cancellation
or variation**

Service

Consultation

**Closure order
by RSH
provider**

Discharge

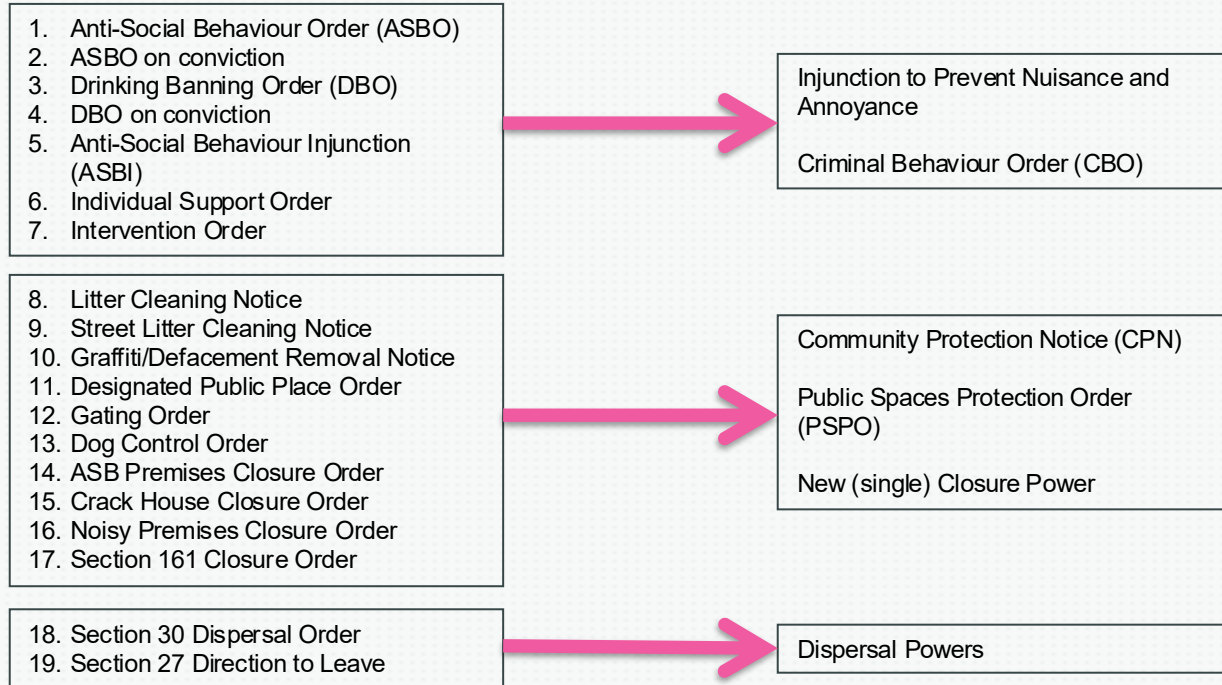


Practical enforcement challenges and day-to-day decision-making and litigation strategy

Kuljit Bhogal KC



ASBCPA 2014 – An overview: 19 powers to 6



Three types of order post CPA amends

01

Respect Order

New Part A1

Aged 18 or over

A return to ASBOs?

02

Youth injunction

CPA confines existing s.1 injunctions to persons aged over 10 but under 18

03

Housing injunction

CPA will permit injunctions for over 18s causing nuisance or annoyance relating to the occupation or management of housing

Respect Orders – an overview

- Aged 18 or over
- County court (or High Court)
- Civil standard of proof
- ASB (caused or likely to cause HAD) + just and convenient Prohibitions and requirements – check conflict
- Court can treat an application for a RO as an application for a s.1A housing injunction
- Must inform any person considered to be apt (n/a for w/o notice applications), clause K1
- Must carry out a risk assessment
- Exclusion orders for police, LA and housing providers where provider owns or manages the premises (usual test)
- Interim orders
- Without notice applications
- Breach is a criminal offence



Respect Orders – practicalities (1)

- Court can treat an application for a RO as an application for a s.1A housing injunction
- Must carry out a risk assessment
- Breach is a criminal offence



Respect Orders – practicalities (2)

- Obtaining evidence from a supervisor and finding someone to fill that role in relation to requirements – is it realistic that applications will be made for requirements?
- Where should the application be made? What type of case would justify an application to the HC?



Youth Injunctions and Housing Injunctions – an overview

- The CPB *confines the existing section 1 ASCPA 2014* power to people **aged 10 or over but under 18**, s.2
- Section 1 injunctions for persons aged 18 and over can be sought where there is conduct capable of causing nuisance and annoyance relating to the **occupation or management of housing**.
- County court
- Civil standard of proof
- Prohibitions and requirements are permissible
- Interim orders
- Without notice applications



Closure orders - what will change?

Crime and Policing Act 2026

Currently closure orders are available to LAs and Police only.

Once the CPB is in force **Registered social housing providers ("RSHPs")** will be able to close premises that they own or manage and which are associated with nuisance and disorder.

Closure **notices** extended from 24/48 hours to 48/72 hours..

Closure orders and extensions to remain available for upto 3 months and not 12 months as HoL had proposed. BUT SoS will have the power to make regulations to change the duration.

Expect the Statutory Guidance for Frontline Professionals will be updated (currently last revision is July 2025).

Closure Orders – practicalities

- RSHP – consider who will sign off – 48hr notice needs to be signed off by senior management
- Who leads?
- Who pays?



What you need to do now

- Discuss local arrangements with partners
- Review policies and procedures
- Create template documents
- Consider who will sign off for the different types of notice/order
- Get involved in creating the local policing body review process
- Training for staff on amended powers and new offences
- Sign up for updates/webinars



Further reading & resources

- [Statutory Guidance for Frontline Professionals](#)
- Clarion film on cuckooing
<https://www.linkedin.com/feed/update/urn:li:activity:7418691188377088000/>
- [Premises closure orders - GOV.UK](#)
- Cornerstone on Anti-social Behaviour, 2nd Ed., May 2019

Bhokal on Anti-Social Behaviour

Third Edition

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