

Subsidiary Legislation made under s.80.

Housing (Anti-Social Behaviour) Regulations, 2009

LN.2009/074

Commencement

Not in force

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Anti-Social Behaviour Support Group.

(Not in force)

In exercise of the powers conferred on him by section 80 of the Housing Act and all other enabling powers, the Minister has made the following regulations-

PART I
Preliminary

Title and commencement.

1.(1) These regulations may be cited as the Housing (Anti-Social Behaviour) Regulations, 2009.

(2) These regulations shall come into operation on such day as the Minister may, by notice in the Gazette, appoint and different days may be appointed for different provisions and different purposes.

Interpretation.

2.(1) In these regulations and unless the context otherwise requires—

“Anti-Social Behaviour Support Group” means the group established under regulation 22;

“anti-social behaviour order” has the meaning assigned to it by regulation 5;

“behaviour” includes, but is not limited to, speech;

“block of flats” means a building or part of a building in which are situate two or more premises;

“child” means a person who is under the age of 14;

“estate management” includes—

- (a) the securing or promotion of the interests and welfare of tenants and any other person authorised to reside with tenants, whether individually or generally, in the peaceful enjoyment of premises in any housing area; and
- (b) the avoidance, prevention or abatement of anti-social behaviour in any housing area;

“excluding order” has the meaning assigned to it by regulation 6;

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“housing area” means a housing estate or a block or blocks of flats not in a housing estate whether public or private;

“Housing Authority” means the Minister for Housing or such other body or person as the Government may designate from time to time by notice published in the Gazette;

“parent” includes a guardian;

“parenting order” has the meaning assigned to it by regulation 7;

“responsible officer”, in relation to a parenting order, means a social worker or a probation officer who is specified in the order;

“young person” means a person of or over the age of 14 and under the age of 16.

(2) In these Regulations “anti-social behaviour” has the meaning assigned to it by section 78(1) of the Housing Act and the actions which constitute anti-social behaviour are those referred to in section 78(2) of that Act.

PART II

Prevention of Anti-Social Behaviour

Policies and procedures.

3.(1) In formulating such policy and procedures in relation to anti-social behaviour as are required to be prepared and published under section 79 of the Act, the Housing Authority shall act after consultation with the Housing Advisory Council.

(2) The Housing Authority may in its discretion and if it considers it necessary or desirable also invite the participation of recognised housing estate tenants’ associations and of persons and bodies that are able to provide assistance, advice or guidance in the formulation of those policies and procedures.

Lodging of complaint with the Principal Housing Officer.

4.(1) A tenant in a housing area or any other person residing with him (the complainant) may lodge a complaint with the Principal Housing Officer against any person not of the same household as himself who the complainant believes has engaged, is engaging or has threatened to engage in anti-social behaviour.

(Not in force)

(2) The complainant shall specify the nature of the behaviour, conduct or threat giving rise to the complaint and the name and address of any witness willing to give evidence.

(3) The Principal Housing Officer shall on receipt of a complaint under this regulation—

- (a) record the complaint;
- (b) assess the seriousness of the alleged anti-social behaviour;
- (c) investigate the allegations;
- (d) respond accordingly;
- (e) if he thinks it desirable and appropriate to do so, institute measures in relation to the anti-social behaviour by the person complained against.

(4) Any person against whom a complaint has been lodged under sub-regulation (1) who threatens the complainant by violence, threat or fear for lodging such a complaint or threatens a witness by violence, threat or fear for willing to be a witness shall be guilty of an offence and liable on summary conviction to imprisonment for 6 months or to a fine not exceeding level 3 on the standard scale, or to both.

(5) Any person against whom a complaint has been lodged under sub-regulation (1) who threatens the Principal Housing Officer or any member of his staff or any member, alternate member or co-opted member of the Anti-Social Behaviour Support Group or any responsible officer because of his involvement in the handling of a complaint against that person, shall be guilty of an offence and liable on summary conviction to imprisonment for 6 months or to a fine not exceeding level 3 on the standard scale, or to both.

Anti-social behaviour orders.

5.(1) The Principal Housing Officer may make an application by complaint to the Magistrates' Court for an order under this regulation if it appears to him that the following conditions are fulfilled with respect to any person ("the defendant") of or over the age of 16, namely—

- (a) that the defendant has engaged, is engaging or has threatened to engage in anti-social behaviour in a housing area causing or likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself; and

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(b) that such an order is necessary or desirable to protect persons in the housing area from further anti-social behaviour or the threat of anti-social behaviour by the defendant.

(2) An application for an anti-social behaviour order shall be as set out in Form 1 in Schedule 1.

(3) On an application under sub-regulation (1), the Magistrates' Court may, if the court is satisfied that the conditions mentioned in that sub-regulation are fulfilled, make an order under this regulation (an "anti-social behaviour order") which, for the purpose of protecting persons in the housing area from anti-social behaviour by the defendant, prohibits him from doing anything described in the order or requires him to do the thing described in the order, or both.

(4) For the purpose of determining whether the condition mentioned in sub-regulation (1)(a) is fulfilled, the Magistrates' Court shall disregard any act of the defendant which he shows was reasonable in the circumstances.

(5) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting from anti-social behaviour by the defendant those persons in the housing area specified in the application for the order.

(6) The requirements that may be imposed by an anti-social behaviour order are those necessary for the purpose of redressing any harm or damage caused by the anti-social behaviour of the defendant to those persons in the housing area specified in the application for the order.

(7) An anti-social behaviour order shall be as set out in Form 2 in Schedule 1.

(8) The Magistrates' Court may, in an anti-social behaviour order, add a restraining order on the defendant if it is satisfied that the defendant has used or threatened to use violence against a complainant or witness or any other person arising from the complaint or there is a significant risk of harm to that person if the restraining order is not granted.

(9) Nothing in this regulation shall prevent the Principal Housing Officer from instituting any legal proceedings otherwise than under this regulation against any person in relation to any anti-social behaviour act or conduct.

Excluding orders.

(Not in force)

6.(1) The Principal Housing Officer may make an application by complaint to the Magistrates' Court for an order under this regulation if it appears to him that the following conditions are fulfilled with respect to any person ("the defendant") of or over the age of 16, namely—

- (a) that the defendant has engaged, is engaging or has threatened to engage in anti-social behaviour causing or likely to cause annoyance, harassment, alarm or distress to one or more persons in a housing area in which he does not reside; and
- (b) that such an order is necessary to protect persons in the housing area from further anti-social behaviour or the threat of anti-social behaviour by the defendant.

(2) An application for an excluding order shall be as set out in Form 3 in Schedule 1.

(3) On an application under sub-regulation (1), the Magistrates' Court may, if the court is satisfied that the conditions mentioned in that sub-regulation are fulfilled, make an order under this regulation (an "excluding order") which, for the purpose of protecting persons in the housing area from anti-social behaviour by the defendant prohibits him from entering the housing area or any part of the housing area or being in the vicinity of that housing area.

(4) For the purpose of determining whether the condition mentioned in sub-regulation (1)(a) is fulfilled, the Magistrates' Court shall disregard any act of the defendant which he shows was reasonable in the circumstances.

(5) The prohibitions that may be imposed by an excluding order are those necessary for the purpose of protecting from anti-social behaviour by the defendant those persons in the housing area specified in the application for the order.

(6) An excluding order shall be as set out in Form 4 in Schedule 1.

(7) The Magistrates' Court may, in an excluding order, add a restraining order on the defendant if it is satisfied that the defendant has used or threatened to use violence against a complainant or witness or any other persons arising from the complaint or there is a significant risk of harm to that person if the restraining order is not granted.

(8) Nothing in this regulation shall prevent the Principal Housing Officer from instituting any legal proceedings otherwise than under this regulation against any person in relation to any anti-social behaviour act or conduct.

Parenting orders.

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7.(1) The Principal Housing Officer may make an application by complaint to the Magistrates' Court for an order under this regulation in respect of a person who is the parent of a child or young person if it appears to him that the following conditions are fulfilled with respect to the child or young person—

- (a) that the child or young person has engaged, is engaging or has threatened to engage in anti-social behaviour in a housing area causing or likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself or in a housing area in which he does not reside; and
- (b) that such an order is necessary to protect persons in the housing area from further anti-social behaviour or the threat of anti-social behaviour by the child or young person.

(2) An application for a parenting order shall be as set out in Form 5 in schedule 1.

(3) Subject to sub-regulation (4), on an application under sub-regulation (1), the Magistrates' Court may, if the court is satisfied that the conditions mentioned in sub-regulation (1) are fulfilled, make an order under this regulation (a "parenting order") which, for the purpose of protecting persons in the housing area from anti-social behaviour by the child or young person, requires the parent—

- (a) to comply with such requirements as are specified in the order; and
- (b) if a parenting order has been made in respect of the parent on a previous occasion, to attend for a concurrent period not exceeding three months for not more than once a week, such counselling or guidance sessions as may be directed by the responsible officer.

(4) Before making a parenting order, the court—

- (a) shall obtain and consider information about the child's or young person's family circumstances and the likely effect of the order on those circumstances;
- (b) shall explain to the parent in ordinary language the effect of the order and the requirements proposed to be included in it and the consequences which may follow under regulation 11(3) if he fails to comply with any of those requirements; and
- (c) shall explain that it has power under regulation 8(2) to review the order on the application either of the parent or of the responsible officer.

(Not in force)

(5) The requirements that may be imposed by a parenting order are those which the court considers desirable in the interests of preventing any such repetition of anti-social behaviour by the child or young person in the housing area specified in the application for the order.

(6) The requirements specified in a parenting order shall, as far as practicable, be such as to avoid any conflict with the parent's religious beliefs and any interference with the times, if any, at which he normally works or attends training sessions in connection with such work.

(7) A parenting order shall be as set out in Form 6 in Schedule 1.

(8) The Magistrates' Court may, in a parenting order, add a restraining order on the defendant if it is satisfied that the defendant has used or threatened to use violence against a complainant, a witness or a responsible officer or any other person arising from the complaint or there is a significant risk of harm to that person if the restraining order is not granted.

(9) Nothing in this regulation shall prevent the Principal Housing Officer from instituting any legal proceedings otherwise than under this regulation against any person in relation to any anti-social behaviour act or conduct.

Applications for variation or discharge of orders.

8.(1) An order under regulation 5 or 6 may at any time be varied by a further order or discharged on an application to the Magistrates' Court by the Principal Housing Officer or the defendant.

(2) An order under regulation 7 may at any time be varied by a further order or discharged on an application to the Magistrates' Court by the Principal Housing Officer, the responsible officer or the parent.

(3) On or before the expiration of an order under regulation 5 or 6, a further order may be made by the court for a period of two years or such shorter period as the court may provide for in the order with effect from the date of expiration of the first-mentioned order.

(4) On or before the expiration of an order under regulation 7, a further order may be made by the court for a period of 12 months or such shorter period as the court may provide for in the order with effect from the date of expiration of the first-mentioned order.

(5) An application under this regulation shall be made in writing to the Magistrates' Court and shall specify the reason why the applicant for a further order or for variation or discharge, believes the court should do so.

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(6) Except with the consent of both parties, no anti-social behaviour, excluding order or parenting order shall be discharged before the expiration of the order.

(7) Where the court considers that there are no grounds upon which it might conclude that the order should be varied or discharged it may determine the application without hearing representations from the applicant for variation or discharge or from any other person.

(8) Where the court considers that there are grounds upon which it might conclude that the order should be varied or discharged, the clerk of the court shall, unless the application is withdrawn, issue a summons giving not less than 14 days' notice in writing of the date, time and place appointed for the hearing.

(9) The summons under sub-regulation (8) shall be accompanied by a copy of the application for variation or discharge of the order.

Procedural provisions with respect to orders.

9.(1) The powers and functions conferred by regulations 5, 6 7 and 8 shall wherever possible be exercisable by the Principal Housing Officer after consultation with the Anti-Social Behaviour Support Group and it shall be the duty of the persons comprising the group to co-operate in the exercise by the Principal Housing Officer of those powers and functions.

(2) A failure to comply with sub-regulation (1) shall not affect the validity of an order made on any application to which that sub-regulation applies.

(3) An application under regulation 5 or 6 may only be made if the defendant has been given reasonable notice of the application and has been served with a copy of the application and if it is not practicable to give him a copy of the application then by a copy of the application being attached to a conspicuous part of the premises in which he resides where it is able to be read by persons entering therein.

(4) An application under regulation 7 may only be made if the parent has been given reasonable notice of the application and has been served with a copy of the application and if it is not practicable to give him a copy of the application then by a copy of the application being attached to a conspicuous part of the premises in which he resides where it is able to be read by persons entering therein.

(5) Any summons directed to a defendant requiring him to appear before the Magistrates' Court to answer an application for an anti-social behaviour order or an excluding order shall be as set out in Form 7 of Schedule 1.

(Not in force)

(6) Any summons directed to a parent requiring him to appear before the Magistrates' Court to answer an application for a parenting order shall be as set out in Form 8 of Schedule 1.

(7) Proceedings under regulation 5, 6 or 7 may be heard otherwise than in public.

(8) An order under regulation 5 or 6 shall, subject to regulation 8, expire two years after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(9) An order under regulation 7 shall, subject to regulation 8, expire 12 months after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(10) The clerk of the court shall cause a copy of an order under regulation 5, 6 or 7 as so made or varied under regulation 8 to be—

(a) given to the defendant or parent, as the case may be; or

(b) sent to the defendant or parent, as the case may be, by registered post or by the recorded delivery service.

(11) An acknowledgement or certificate of delivery of a letter sent under sub-regulation (10)(b) issued by the Royal Gibraltar Post Office shall be sufficient evidence of service.

(12) Where an appeal is lodged against the determination of an application under regulation 5, 6, 7 or 8, any order made on the application shall, without prejudice to the determination of an application under regulation 8(1) made after the lodging of the appeal, continue to have effect pending the disposal of the appeal.

Evidence.

10. Where, in any proceedings under regulation 5, 6, 7 or 8 the Principal Housing Officer or a police officer states that he believes that a person has engaged, is engaging or has threatened to engage in anti-social behaviour, then, if the Magistrates' Court is satisfied that there are reasonable grounds for such belief and that another person would be deterred or prevented by violence, threat or fear from providing evidence in that regard, the statement shall be evidence of such anti-social behaviour.

PART III

Other Powers and Offences

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Offences in connection with breach of orders.

11.(1) Any person who without reasonable excuse breaches an anti-social behaviour order or an excluding order by doing anything which he is prohibited from doing or by failing to do anything which he is required to do, shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine not exceeding level 4 on the standard scale or to both.

(2) Any person who without reasonable excuse fails to comply with any requirement included in a parenting order or specified in directions given by the responsible officer under regulation 7(3)(b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Subject to sub-regulations (1) and (2), the court shall, in determining the appropriate sentence or disposal for that offence, have regard to—

- (a) the number of anti-social behaviour orders, excluding orders or parenting orders, as the case may be, to which the accused was subject at the time of the commission of the offence;
- (b) any previous conviction of the accused of an offence under sub-regulation (1) or (2); and
- (c) the extent to which the sentence or disposal in respect of any such previous conviction of the accused differed, by virtue of this sub-regulation, from that which the court would have imposed but for this sub-regulation.

Preventing anti-social conduct and maintaining public order etc.

12.(1) If a police officer has reasonable grounds to believe that a person has engaged in, is engaging in or is about to engage in any behaviour which—

- (a) interferes with trade or business at a housing area by unnecessarily obstructing, hindering or impeding a person at, entering, or leaving the housing area; or
- (b) obstructs the movement of pedestrians or vehicular traffic in, on or through a housing area; or

(Not in force)

- (c) disrupts the peaceful and orderly conduct of an event, entertainment or gathering at a housing area;

the officer may direct the person to stop engaging in anti-social behaviour; and

- (i) return to his premises if he resides in the housing area; or
- (ii) leave the housing area and not return within a stated reasonable time (being not more than 48 hours) if he does not reside in the housing area.

(2) A police officer may not give a direction under sub-regulation (1) that interferes with a person's right or freedom of peaceful association, assembly or expression unless it is reasonably necessary in the interests of public safety, public order or the protection of the rights or freedoms of other persons.

(3) A person who without reasonable excuse contravenes or fails to comply with a direction given under sub-regulation (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Power to detain goods etc.

13.(1) If a police officer has reasonable grounds to believe that it is necessary to give full effect to a direction given under regulation 12, the officer may detain, for a period that is reasonable in the circumstances, any article or thing that a person to whom he has given the direction has in his possession and that has contributed to the anti-social behaviour.

(2) An article or thing detained under sub-regulation (1) shall be returned to the person from whom it was detained, or to his lawful agent, as soon as reasonably practicable after the grounds that gave rise to its detention cease to exist.

Power to require name and address.

14.(1) If a police officer exercises a power under regulation 12 or 13, the officer may require the person to state his name and address and may require the person to provide evidence of the correctness of those particulars if the officer suspects on reasonable grounds that the name or address given is false.

(2) A person who without reasonable excuse fails to comply with a requirement under sub-regulation (1) or gives a false or inaccurate name or address in response to a requirement under

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that sub-regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART IV
Injunctions

Injunctions against violent behaviour.

15.(1) The Supreme Court may, on an application by the Principal Housing Officer, a police officer or a tenant, grant an injunction (“an anti-social behaviour injunction”) prohibiting a person (“the respondent”) from—

- (a) engaging in or threatening to engage in violent behaviour causing or likely to cause harm to the tenant or a person residing with or visiting the tenant; or
- (b) entering a housing area or being found in the vicinity of such area.

(2) The court shall not grant an injunction under this regulation unless it is satisfied that—

- (a) the respondent has used or threatened to use violence against any person of a description mentioned in sub-regulation (1)(a); and
- (b) there is a significant risk of harm to that person if the injunction is not granted.

(3) An injunction under this regulation may relate to particular anti-social behaviour acts or conduct, or types of conduct, in general or to both and may be made for a specified period or until varied or discharged.

(4) An injunction under this regulation may be varied or discharged by the court on an application by—

- (a) the Principal Housing Officer;
- (b) a police officer;
- (c) the tenant; or
- (d) the respondent.

(Not in force)

(5) The court may, in any case where it considers that it is just and convenient to do so, grant an injunction under this regulation, or vary such an injunction, even though the respondent has not been given such notice of the proceedings as may otherwise be required by rules of court.

(6) If the court proceeds under sub-regulation (5), it shall afford the respondent an opportunity to make representations relating to the injunction or its variation as soon as it is just and convenient at a hearing of which notice has been given to all parties in accordance with rules of court.

(7) For the purposes of this regulation “harm” whether physical or not—

- (a) in relation to a person who has reached the age of 16 years, means serious ill-treatment or abuse or the impairment of health, and
- (b) in relation to a child or young person, means serious ill treatment or abuse or the impairment of health or development.

Injunction against immoral or illegal use of premises.

16.(1) This regulation applies to conduct which consists of or involves using or threatening to use a public housing for an immoral or illegal purpose.

(2) The Supreme Court may, on the application of the Principal Housing Officer or a police officer grant an injunction prohibiting the person in respect of whom the injunction is granted from engaging in conduct to which this regulation applies.

(3) The court may, in any case where it considers that it is just and convenient to do so, grant an injunction under this regulation, or vary such an injunction, even though the respondent has not been given such notice of the proceedings as may otherwise be required by rules of court.

(4) If the court proceeds under sub-regulation (3), it shall afford the defendant an opportunity to make representations relating to the injunction or its variation as soon as it is just and convenient at a hearing of which notice has been given to all parties in accordance with rules of court.

Power of arrest attached to injunctions.

17.(1) The Supreme Court may attach a power of arrest to one or more provisions of an injunction which it intends to grant under regulation 15 or 16.

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(2) If a power of arrest is attached to certain provisions of an injunction by virtue of sub-regulation (1), a police officer may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of any such provision or otherwise in contempt of court in relation to a breach of any such provisions.

(3) A police officer shall, after making an arrest under sub-regulation (2), forthwith inform the Principal Housing Officer or the tenant on whose application the injunction was granted.

(4) This regulation shall not prejudice any power of arrest conferred by law apart from this regulation.

PART V

Evictions and other Sanctions

Eviction on grounds of immoral or illegal use of premises.

18.(1) Notwithstanding anything contained in the Act, the Principal Housing Officer may serve notice of termination of tenancy and eviction on the ground that the tenant or a person residing with the tenant has been convicted of—

- (i) using or allowing the public housing to be used for immoral or illegal purposes; or
- (ii) an offence punishable by imprisonment committed in the public housing.

Allocation and sale of premises.

19.(1) Notwithstanding anything contained in a housing allocation scheme, the Housing Authority may refuse to allocate or defer the allocation of public housing to any person where the Housing Authority considers that the person is or has engaged in anti-social behaviour or that allocating a public housing to that person would not be in the interest of good estate management.

(2) The Principal Housing Officer may, for the purposes of any function under a housing allocation scheme, request from a private landlord information in relation to the conduct and character of any person applying for public housing or proposing to reside at the public housing whom he has reasonable grounds to believe may engage in anti-social behaviour if such public housing is allocated to that person.

(3) Notwithstanding anything contained in any Government housing purchase scheme, the Government may refuse to sell or defer the sale of public housing to a tenant where it considers that the tenant or any person residing with the tenant has engaged, is engaging or has threatened

to engage in anti-social behaviour or that a sale to that tenant would not be in the interest of good estate management.

Withdrawal of rent relief or other allowances.

20. The Housing Authority may withdraw a tenant's entitlement to rent relief or to any allowance granted to aid the tenant's payment of his rent where the Housing Authority considers that the tenant or any person residing with the tenant has engaged, is engaging or has threatened to engage in anti-social behaviour.

Illegal occupier.

21.(1) Notwithstanding anything contained in the Act, where—

- (a) public housing or any part thereof are occupied, whether continuously or otherwise, by a person other than the tenant or a person who has failed to vacate a premises on termination of tenancy; and
- (b) the Principal Housing Officer has notified the Commissioner of Police that he believes that the person has engaged or is engaging in anti-social behaviour and that it is necessary in the interest of good estate management that that person be required to leave the premises;

a police officer may direct the person to leave the premises immediately in a peaceable and orderly manner and that person shall comply with the direction.

(2) A person who fails to comply with a direction under sub-regulation (1) shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 3 on the standard scale, or to both.

(3) Where a person does not comply with a direction under sub-regulation (1) a police officer may arrest the person without warrant.

(4) For the purpose of arresting a person under sub-regulation (3) a police officer may enter and if necessary use reasonable force and search any place (including a dwelling) where the person is or where the officer, with reasonable grounds, suspects that person to be.

(5) This regulation shall not prejudice any power of arrest conferred by law apart from this regulation.

PART VI

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(Not in force)

Supplemental

Anti-Social Behaviour Support Group.

22.(1) There shall be established a Group to be known as the Anti-Social Behaviour Support Group.

(2) The provisions contained in Schedule 2 shall have effect with respect to the constitution and role of the Group.

Appeals against orders.

23.(1) An appeal shall lie to the Supreme Court against the making, variation or discharge by the Magistrates' Court of an anti-social behaviour order, an excluding order or a parenting order.

(2) On such an appeal the Supreme Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal; and

(b) may also make such incidental or consequential orders as appear to it to be just.

(3) Any order of the Supreme Court made on an appeal under this regulation (other than one directing that an application be re-heard by the Magistrates' Court) shall, for the purposes of regulation 9(1) and (2), be treated as if it were an order of the Magistrates' Court and not an order of the Supreme Court.

Saving.

24. These regulations shall not apply in relation to anything done before their commencement.

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SCHEDULE 1

FORM 1

Regulation 5(2)

Application for Anti-Social Behaviour Order.

To the Magistrates' Court, Gibraltar

Date—.....

Defendant—.....

Address—.....

.....

Applicant—.....

Relevant authorities consulted—

.....
.....

And it is alleged

- (a) that the defendant has on [date(s)] at [place(s)] engaged in or threatened to engage in anti-social behaviour that caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself; and
- (b) that an anti-social behaviour order is necessary to protect relevant persons from further anti-social behaviour by him, and accordingly application is made for an anti-social behaviour order containing the following prohibition(s) or requirement(s) or both.

Short description of behaviour—.....

.....

Prohibition applied for.....

Requirements applied for.....

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The complaint of—

Name of Complainant—.....

Address of Complainant—.....
.....

The applicant who [upon oath] states that the defendant was responsible for the behaviour of which particulars are given above, in respect of which this complaint is made.

Taken [and sworn] before me

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

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FORM 2

Regulation 5(7)

Anti-Social Behaviour Order.

Magistrates' Court, Gibraltar

Date.....

Defendant.....

Address.....
.....

On the complaint of-

Complainant.....

Applicant.....

Address of Applicant.....
.....

The court found that-

- (i) the defendant engaged or threatened to engage in the following anti-social behaviour, which caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself

.....
.....

And (ii) this order is necessary to protect persons in.....
.....

from further anti-social behaviour by him. And it is ordered that the defendant [name].....is prohibited from..... and required to..... until.....[further order].

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Housing (Anti-Social Behaviour) Regulations, 2009

(Not in force)

Taken [and sworn] before me

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

NOTE- If, without reasonable excuse, the defendant does anything which he is prohibited from doing or fails to do what is required by this order, he shall be liable on conviction to a term of imprisonment not exceeding five years or to a fine or to both.

Housing
Housing (Anti-Social Behaviour) Regulations, 2009
(Not in force)

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FORM 3

Regulation 6(2)

Application for Excluding Order.

To the Magistrates' Court, Gibraltar

Date-.....

Defendant-.....

Address-.....

.....

Applicant-.....

Relevant authorities consulted-

.....
.....

And it is alleged

- (a) that the defendant has on [date(s)] at [place(s)] engaged in or threatened to engage in anti-social behaviour that caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons in a housing area in which he does not reside; and
- (b) that an excluding order is necessary to protect relevant persons from further anti-social acts by him, and accordingly application is made for an excluding order containing the following prohibition(s)-

Short description of behaviour-.....
.....

Prohibition applied for.....

The complaint of-

Name of Complainant-.....

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(Not in force)

Address of Complainant—.....
.....

The applicant who [upon oath] states that the defendant was responsible for the behaviour of which particulars are given above, in respect of which this complaint is made.

Taken [and sworn] before me

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

Housing
Housing (Anti-Social Behaviour) Regulations, 2009
(Not in force)

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FORM 4

Regulation 6(6)

Excluding Order.

Magistrates' Court, Gibraltar

Date.....

Defendant.....

Address.....

.....

On the complaint of-

Complainant.....

Applicant.....

Address of Applicant.....

.....

The court found that-

- (i) the defendant engaged or threatened to engage in the following anti-social behaviour, which caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons in a housing area in which he does not reside

.....
.....
.....

And

- (ii) this order is necessary to protect persons in.....

.....

from further anti-social behaviour by him. And it is ordered that the defendant [name]..... is prohibited from..... until.....[further order].

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Housing (Anti-Social Behaviour) Regulations, 2009

(Not in force)

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

NOTE- If, without reasonable excuse, the defendant does anything which he is prohibited from doing or fails to do what is required by this order, he shall be liable on conviction to a term of imprisonment not exceeding five years or to a fine or to both.

FORM 5

Regulation 7(2)

Application for Parenting Order.

To the Magistrates' Court, Gibraltar

Date-.....

Child or young person-.....

Parent or guardian-.....

Address-.....

.....

Applicant-.....

Relevant authorities consulted-

.....

.....

And it is alleged

- (a) that the [name of child or young person] has on [date(s)] at [place(s)] engaged in or threatened to engage in anti-social behaviour that caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself/not of the same housing area; and
- (b) that a parenting order is necessary to protect relevant persons from further anti-social behaviour by him, and accordingly application is made for a parenting order containing the following requirement(s) to be imposed on the parent/guardian concerning the supervision and control of the child or young person-

Short description of behaviour-.....

.....

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Housing (Anti-Social Behaviour) Regulations, 2009

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(Not in force)

Requirements applied for.....

The complaint of-

Name of Complainant-.....

Address of Complainant-.....
.....

The applicant who [upon oath] states that the child/young person was responsible for the behaviour of which particulars are given above, in respect of which this complaint is made.

Taken [and sworn] before me

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

Housing
Housing (Anti-Social Behaviour) Regulations, 2009
(Not in force)

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2009/074

FORM 6

Regulation 7(7)

Parenting Order.

Magistrates' Court, Gibraltar

Date.....

Child or young person.....

Parent or guardian.....

Address.....
.....

On the complaint of-

Complainant.....

Applicant.....

Address of Applicant.....
.....

The court found that-

- (i) the child/young person engaged or threatened to engage in the following anti-social behaviour, which caused or was likely to cause annoyance, harassment, alarm or distress to one or more persons not of the same household as himself/not of the same housing area-

.....

And

- (ii) this order is necessary to protect persons in.....

from further anti-social behaviour by him. And it is ordered that the parent/guardian [name].....

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Housing (Anti-Social Behaviour) Regulations, 2009

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(Not in force)

is required to.....
until.....[further order].

Taken [and sworn] before me

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

NOTE- If, without reasonable excuse, the parent/guardian fails to do what is required by this order, he shall be liable on conviction to a fine.

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Housing (Anti-Social Behaviour) Regulations, 2009

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(Not in force)

FORM 7

Regulation 9(5)

Summons on Application for Anti-Social Behaviour Order or Excluding Order.

To the Magistrates' Court, Gibraltar

Date.....

To the defendant-

Name.....

Address.....

.....

You are hereby summoned to appear on [date] at the Magistrates' Court at..... to answer an application for an anti-social behaviour order/ excluding order*, which application is attached to this summons.

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

(* Delete as necessary)

NOTE- Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If an anti-social behaviour order or excluding order is made against you and if, without reasonable excuse, you do anything you are prohibited from doing or you fail to do anything you are required to do by such an order, you shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine, or to both.

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Housing

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Housing (Anti-Social Behaviour) Regulations, 2009

(Not in force)

FORM 8

Regulation 9(6)

Summons on Application for Parenting Order.

The Magistrates' Court, Gibraltar

Date—.....

To [name of the parent/guardian] of [name of child or young person]—

Address—.....

.....

You are hereby summoned to appear on [date] at the Magistrates' Court at..... to answer an application for a parenting order which application is attached to this summons.

Stipendiary Magistrate/Justice of the Peace

[By order of the clerk of the court]

NOTE- Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing, it may issue a warrant for your arrest or proceed in your absence.

If a parenting order is made against you and if, without reasonable excuse, you do anything you are prohibited from doing or you fail to do anything you are required to do by such an order, you shall be liable on conviction to a fine.

SCHEDULE 2

Regulation 22(2)

ANTI-SOCIAL BEHAVIOUR SUPPORT GROUP**Membership of the Group.**

1. The Anti-Social Behaviour Support Group shall be chaired by the Principal Housing Officer and shall consist of the following members appointed by the Minister—

- (a) a police officer, not below the rank of inspector, nominated by the Commissioner of Police;
- (b) a social worker nominated by the Principal Secretary, Ministry of Social Affairs;
- (c) an education welfare officer nominated by the Director of Education and Training;
- (d) a mental welfare practitioner nominated by Chief Executive of the Gibraltar Health Authority; and
- (e) up to two other persons as the Minister may consider appropriate.

2. The Principal Housing Officer may co-opt any other person, whether an officer of the Housing Authority or not, who in his opinion may be able to make a valuable contribution to the work of the Group, either generally or in relation to a particular matter.

3. Alternate members may, from time to time, be appointed by the Minister to ensure that, as far as possible, a person shall be available to represent any of the agencies specified in paragraph 1(a) to (d).

4. An appointed member or alternate member, unless he dies, resigns or no longer holds the office by virtue of which he was nominated, shall hold office for a term of three years from the date of his appointment.

5. An appointed or alternate member may be re-appointed.

Group conferences.

1. Group conferences shall be called by the Principal Housing Officer as and when required to—

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Housing (Anti-Social Behaviour) Regulations, 2009

(Not in force)

- (a) formulate or review the Housing Authority's policies and procedures in relation to anti-social behaviour;
- (b) co-ordinate action and seek advice in relation to proposed applications for anti-social behaviour orders, excluding orders or parenting orders; or
- (c) discuss any matter in connection with the avoidance, prevention or abatement of anti-social behaviour in the housing area.