

COMMUNITY ANTI-SOCIAL BEHAVIOUR ACT 2008

76. ----- Meaning of anti-social behaviour

(1) Anti-social behaviour is any action by a person which has or was reasonably likely to pester, harass or distress any person.

(2) To constitute anti-social behaviour there must be more than one act prohibited by subsection (1) above.

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129. — Qualification for service as an assessor

(1) Subject to the provisions of this Act, every person shall be qualified to serve as an assessor in the Community Anti-Social Behaviour Court and be liable accordingly to attend for service as an assessor when summoned under this Act if—

(a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than seventy years of age;

(b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen;

(c) he is not a mentally disordered person; and

(d) he is not disqualified for service as an assessor.

(2) In subsection (1) above “mentally disordered person” means any person listed in Part 1 of Schedule 15 to this Act.

(3) The persons who are disqualified for service as an assessor are those listed in Part II of that Schedule.

131.— Discharge of assessor.

(1) At any time during the course of a trial in the Community Anti-Social Behaviour Court, the judge may, if he considers it appropriate to do so, having regard to the interests of justice, discharge any assessor or assessors.

132.— Continuation of criminal trial on death or discharge of assessor.

(1) Where in the course of a trial in the Community Anti-Social Behaviour Court, an assessor dies or is discharged by the judge, but the number of its members is not reduced below five, the remaining assessors shall nevertheless be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

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SCHEDULE 15

PART II

PERSONS DISQUALIFIED

1.— A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—

- (a) to imprisonment for life, detention for life or custody for life,
- (b) to detention during her Majesty's pleasure or during the pleasure of the Secretary of State,
- (c) to imprisonment for public protection or detention for public protection,
- (d) to an extended sentence under section 227 or 228 of the Criminal Justice Act 2003 or section 210A of the Criminal Procedure (Scotland) Act 1995, or
- (e) to a term of imprisonment of five years or more or a term of detention of five years or more.

2.— A person who at any time in the last ten years has—

- (a) in the United Kingdom, the Channel Islands or the Isle of Man—
 - (i) served any part of a sentence of imprisonment or a sentence of detention, or
 - (ii) had passed on him a suspended sentence of imprisonment or had made in respect of him a suspended order for detention,
- (b) in England and Wales, had made in respect of him a community order under section 177 of the Criminal Justice Act 2003, a community rehabilitation order, a community punishment order, a community punishment and rehabilitation order, a drug treatment and testing order or a drug abstinence order, or
- (c) had made in respect of him any corresponding order under the law of Scotland, Northern Ireland, the Isle of Man or any of the Channel Islands.

3.— For the purposes of this Part of this Schedule—

- (a) a sentence passed by a court-martial is to be treated as having been passed in the United Kingdom, and
- (b) a person is sentenced to a term of detention if, but only if—
 - (i) a court passes on him, or makes in respect of him on conviction, any sentence or order which requires him to be detained in custody for any period, and
 - (ii) the sentence or order is available only in respect of offenders below a certain age,

and any reference to serving a sentence of detention is to be construed accordingly.