The Rt Hon. the Baroness Jay of Paddington  
Chairman  
Constitution Committee  
House of Lords  
London SW1A 0PW

4th December 2013

Dear Margaret,

Anti-social Behaviour, Crime and Policing Bill

Thank you for your letter of 11 December about clause 1 of the Bill.

In your letter, you noted the undertaking I made in Committee to consider whether reasonableness might be explicitly included in the test for the new injunction to prevent nuisance and annoyance contained in clause 1. We have now considered the concerns that were raised on this matter by the Constitution Committee and others, including points made by Peers during the Bill’s Committee Stage and the report of the Joint Committee on Human Rights. As a result, we have tabled an amendment to clause 1 to remove the words ‘capable of causing’ and replace them with ‘that could reasonably be expected to cause’. This would make the first limb of the test for an injunction:

‘The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in conduct that could reasonably be expected to cause nuisance or annoyance to any person (‘anti-social behaviour’).’

The second limb of the test would remain, requiring that in addition, the court must find it just and convenient to grant an injunction for the purpose of preventing the respondent engaging in anti-social behaviour.

While the Government has always believed that a court would consider whether issuing an injunction was reasonable when applying the just and convenient test, having heard the arguments we see the merit in amending the clause in this way.
I am very grateful to the Constitution Committee for its scrutiny of the Bill, and for contributing to the debate on clause 1.

[Signature]

Lord Taylor of Holbeach CBE