

delays in informing the public once an order has been obtained. The fact that someone is under the age of 18 does not mean that their anti-social behaviour is any less distressing or frightening than that of an adult.

An order made against a child or young person under 18 is usually made in open court and is not usually subject to reporting restrictions. The information is in the public domain and newspapers are entitled to publish details. But if reporting restrictions have been imposed, they must be scrupulously adhered to. In applications involving children and young people where evidence has consisted of details of their past convictions, and reporting restrictions were not lifted for the proceedings leading to those convictions, the publicity should not make reference to those convictions. Similarly, where an order on conviction has been imposed on a child or young person in the youth court, unless reporting restrictions are lifted, details of the offences or behaviour alluded to in that hearing cannot be reported. However, details of the behaviour outlined in the order on conviction hearing can be used, unless the court orders otherwise. Where the court making the order does impose reporting restrictions under section 39 of the Children and Young Persons Act 1933, the press must scrupulously observe these.

A court must have a good reason to make a section 39 order. Age alone is insufficient to justify reporting restrictions being imposed. Section 141 of the Serious Organised Crime and Police Act 2005 reverses the presumption in relation to reporting restrictions in the youth court in cases for breach of ASBOs. Automatic reporting restrictions will not apply but the court retains the discretion to impose them. The prosecutor can make an application to the court for this. While it is the case that from 1 July 2005 no automatic reporting restrictions have applied in cases for breach of ASBOs relating to children and young people, when dealing with the case the court will consider whether reporting restrictions were imposed when the original order was granted. As ASBOs are civil orders, reporting restrictions will not have applied (unless imposed by the court).

If reporting restrictions were imposed at the original ASBO hearing, then unless there has been a significant change in the intervening period, it is likely that the court will impose

reporting restrictions at the hearing for the breach. If no reporting restrictions were imposed at the original ASBO hearing, it is still open to the court to impose reporting restrictions at the hearing of the breach case. If reporting restrictions are not imposed, publicity can be considered, taking into account all the matters that are relevant when considering publicising the ASBO itself.

Photographs

A photograph of the subject of the ASBO will usually be required so that they can be identified. This is particularly necessary for older people or housebound witnesses who may not know the names of those causing a nuisance in the area. The photograph should be as recent as possible.

Distribution of publicity

This should be primarily within the area(s) that suffered from the anti-social behaviour and that are covered by the terms of the order, including exclusion zones. People who have suffered from anti-social behaviour, for example residents, local businesses, shop staff, staff of local public services, particular groups or households should be the intended audience.

All orders should be recorded on the Police National Computer to assist enforcement. This is particularly relevant where the order extends across England and Wales. It may be appropriate to extend publicity beyond the area where the anti-social behaviour was focused if there is a general term prohibiting harassment, alarm or distress in a wider area. It may also be appropriate if there is a danger of displacement of the anti-social behaviour to distribute it just beyond the area covered by the order.

The timescale over which publicity is anticipated to occur should also be given due consideration and decisions recorded. It is important that publicity does not become out of date or irrelevant. Special attention needs to be paid to posters that are distributed to other organisations, as posters should not be left up when the need for them has expired. It will usually be appropriate to issue publicity when a full order is made, rather than an interim order. However, exceptions can be made, for example where the anti-social behaviour is severe, where there has been extreme intimidation or where there is