

### Collect evidence

Evidence may be collected for presentation to the court post-conviction. This is not a requirement as the court may make an order on conviction on its own initiative.

### Other matters

Application for variation or discharge by either the applicant or the defendant is to the same magistrates' court that made the order. Appeal is to the Crown Court. Breach of the order will go to the magistrates' court, which may refer it to the Crown Court in the more serious cases. Mode of trial decision determines whether breach of ASBO is dealt with in the magistrates' court or the Crown Court.

### Immediate post-order procedure

Where an ASBO is granted, it is preferable for a copy of the order to be served on the defendant in person prior to their departure from court. If this is not possible, personal service should be arranged as soon as possible thereafter. In the case of a child or young person, the order should also be served on the parent, guardian or an appropriate adult. In all cases, service should be recorded.

The lead agency, if not the police, should ensure that a copy of the order is forwarded immediately to the police. Copies should also be given to the anti-social behaviour co-ordinator of the local crime and disorder reduction partnership, the other partner agencies, and to the main targets and witnesses of the anti-social behaviour.

An order comes into effect on the day it is made. But the two-year period during which no order shall be discharged starts from the date of service.

### Other matters

Where the order is made on conviction in the magistrates' court, application for variation or discharge by either the applicant or the defendant may be made to any magistrates' court within the same local justice area as the court that made the order. Appeal is to the Crown Court. Breach of the order will go to the magistrates' court, which may refer it to the Crown Court in the more serious cases.

Where the order is made on conviction in the Crown Court, application for variation or discharge by either the applicant or the defendant is made to the same Crown Court which made the order. Appeal is to the Court of Appeal. Breach of the order will go to the magistrates' court, which may refer it to the Crown Court in the more serious cases.

### Immediate post-order procedure

If the offender is given a custodial sentence, the court may make provision for the requirements of the order to come into effect when the offender is released from custody. See above for details for immediate post-order procedure for ASBOs.

### Post verdict – hearing for order on conviction

The hearing for the order post-conviction is civil.

The issue of an order may be raised by the magistrates or judge without any request from the prosecution or the police or local authority; the Crown Prosecution Service may make an application for an order on conviction. Additional evidence relating to the request for the order and the need for the prohibitions may be produced.