



CONSILIUM
TRAINING + SUPPORT

Respect Order Factsheet

The content of this fact sheet is correct as it relates to the version of the Crime and Policing Bill available on 12th June 2025. Nothing within should be construed as legal advice and the reader should refer to the version of the Bill that is current at the time of reading.

Principle	Description
Party names	Applicant – the authority applying for the order Respondent – the person the order is applied for against
Age restrictions	The order can be made against anyone who is 18 or above. There is no maximum age restriction.
Standard of proof (on application)	Balance of probabilities
Legal test	Two conditions: I) The respondent has engaged or threatened to engage in ASB, AND II) It is considered just and convenient to make the order for the purpose of preventing the respondent from engaging in ASB
Definition of ASB	“Caused or likely to cause harassment, alarm or distress”
Content	Where shown that it is for the purpose of preventing ASB, an order may include either or both of the following: <ul style="list-style-type: none"> • Prohibitions – preventing the respondent from doing certain things • Positive requirements – compelling the respondent to do certain things <p>Where a positive requirement relates to the respondent having to undertake certain activities (e.g. attend a support session) then the Bill refers to it as an ‘activity requirement’</p> <p>These conditions must not (as far as possible):</p> <ul style="list-style-type: none"> • Interfere with the respondent’s work and/or education • Conflict with any other order that the respondent may have
Relevant court for purpose of application	High Court or County Court
Who can apply for the order?	Local authority Police Private Registered Provider of social housing (RP) (where the behaviour of the respondent affects their housing management function) Transport Environment agency

Risk assessment requirement	<p>The applicant must complete a risk assessment before application, setting out:</p> <ul style="list-style-type: none"> • The risk of a person/s being caused ASB by the respondent • Any vulnerabilities of the respondent • Any alternative means of resolving the ASB that have been tried • Any other relevant information
Including a condition to exclude from home address	<p>Can only be granted if:</p> <ol style="list-style-type: none"> 1) The applicant is a local authority, police or RP who manages the property the respondent is to be excluded from, and 2) The ASB includes the use or threatened use of violence OR where there is risk of significant harm
Obligations relating to positive requirements	<p>Each positive requirement must specify a supervisor who must provide evidence on the suitability and enforceability of the requirement they are acting as supervisor for.</p> <p>The supervisor must:</p> <ul style="list-style-type: none"> • Make necessary arrangements in relation to the requirement • Promote compliance of the requirement • Inform the applicant and police when the requirement is fully complied with. <p>The supervisor must also tell the applicant and police where the respondent has failed to comply with a requirement, unless:</p> <ul style="list-style-type: none"> • They believe the respondent has a reasonable excuse for non-compliance <p>Where the positive requirement is classed as an ‘activity requirement’ (see ‘Content’ section above), the duty to inform the applicant and police does not apply if:</p> <ul style="list-style-type: none"> • They believe the respondent has a reasonable excuse for non-compliance OR • A warning has not previously been given (see section below ‘warning requirement’.)
Warning Requirement	<p>Where a respondent fails to comply with an activity requirement (without reasonable excuse) they must be given a warning first (unless they have already received one within the 12 months ending on the date that the failure to comply occurred).</p> <p>A warning must:</p> <ul style="list-style-type: none"> • Be in writing • Describe the failure to comply • Inform the respondent that a further breach may lead to prosecution <p>Additional information:</p> <ul style="list-style-type: none"> • It is the responsibility of the supervisor to issue the warning • The warning must be recorded • The warning can be hand-delivered or sent by first-class post to the last known address of the respondent.

Requirements applying to every order	<p>Whether written on the face of the order or otherwise, the following requirements apply:</p> <ul style="list-style-type: none"> • The respondent must keep in contact with the supervisor • The respondent must inform of a change of address <p>Failure to comply with either are deemed as breaches of the order in the same way as other conditions.</p>
Interim Orders	<p>A respect order can be applied for on a “without notice” basis. This is an interim order made without the respondent being informed until after the order is granted.</p> <p>An interim order may be made “on notice”. For example, where an order is applied for and the matter is adjourned at the first hearing. The court may grant an interim order to bring some protection whilst the application is progressing to full hearing.</p> <p>If the court grant an interim order (either without notice or on notice) it is in place until a certain date or when a further order is made/the order discharged.</p> <p>Positive requirements cannot be included in an interim order made without notice to the respondent.</p>
Variation and discharge	<p>On application by the applicant or the respondent, the Court (who made the original order) can add extra terms and/or extend the period that existing terms apply.</p>
Breaches	<p>The respondent commits a criminal offence if, without reasonable excuse, they fail to undertake a positive requirement or do something they are prohibited</p>
Standard of Proof (on breach)	<p>Criminal – beyond all reasonable doubt</p>
Court who deals with breach	<p>Magistrates Court (unless transferred to Crown Court)</p>
Sanction options	<p>Summary conviction – imprisonment for a term not exceeding general limit in a Magistrate's court and/or a fine</p> <p>Conviction on indictment – up to 2 years in imprisonment and/or a fine</p> <p>A conditional discharge is not possible</p>