Oh Baby Please… Give a little Respect: The Introduction of Respect Orders in the effort to tackle Anti-social Behaviour

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1. The Crime and Policing Act 2026 ("**CPA 2026**") amends the Anti-social Behaviour, Crime and Policing Act 2014 ("**ASBCPA**") to introduce, among other measures, yet another tool to attempt to tackle anti-social behaviour in England and Wales; the "**Respect Order**".

2. Specifically, section A1 (1-3) ASBCPA affords the Court powers to make an order against a person, aged 18 or over, by applying a two-part test: Firstly that, on the balance of probabilities, the Court is satisfied that the respondent has engaged in or threatens to engage in anti-social behaviour. Secondly, that the Court considers it just and convenient to make the order to prevent the respondent from engaging in further anti-social behaviour.

3. This test will seem a familiar friend to housing practitioners who deal with issues of anti-social behaviour, as it echoes verbatim the language of the long standing Anti-social Behaviour Injunction ("**ASBI**") made by the Courts pursuant to section 1 ASBCPA, but for the age requirement being higher for the Respect Order (similar but distinct "**Youth Injunctions**" are available in relation to perpetrators aged 10-17). Unlike a Criminal Behaviour Order made under part 2 ASBCPA, a Respect Order does not require the respondent to have a previous criminal conviction.

4. The CPA 2026 modifies the ASBCPA so as to do away with the old ASBI regime, replacing it with "**Housing Injunctions**".

5. So what exactly, I hear you calling, is the difference between the 'traditional' ASBI, Housing Injunctions and the shiny new Respect Order?

Who can apply?

6. Section A1(6) ASBCPA sets out who can apply for a Respect Order, defining a "relevant authority" in section B1 as including a local authority, a housing provider, the chief officer of Police for the area, as well as various transport authorities and government environmental bodies.

7. A housing provider may make an application for a Respect Order only if it concerns ASB that directly or indirectly relates to or affects its housing management functions, as per section B1(4) of the ASBCPA.

8. Under section 5 of the ASBCPA, applications for a Housing Injunction can still be made by the broad cast of characters, including local authorities, housing providers and the Police.

9. In a significant and helpful development, Part 4, Chapter 3 of the ASBCPA has also been amended so to give registered social housing providers, for the first time, the power to issue Closure Notices and apply for Closure Orders in the Magistrates' Court.

10. Closure Orders remain a mandatory ground for possession, as under the old regime and so represent an opportunity for a strategic approach in securing possession of properties used for and connected with, anti-social behaviour and criminality of the most serious kind.

The Behaviour Threshold

11. For Respect Orders, section A1(9) ASBCPA defines anti-social behaviour as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.

12. This is, notably, different to the definition contained within the modified section 2 ASBCPA for Housing Injunctions which defines "housing-related anti-social conduct" as conduct capable of causing nuisance or annoyance in relation to someone's occupation of residential premises or other 'housing-related' nuisance or annoyance. (If one was being unkind, one may criticise that definition as being rather circular).

13. The result of the drafting is that there is arguably a higher threshold to be met in order to obtain a Respect Order than for a Housing Injunction.

14. The behaviour complained of, in order to obtain a Respect Order, must be more than a "nuisance" or "annoyance", but cause or be capable of causing "harassment, alarm or distress". Housing Injunctions will thus remain an important tool and practitioners should

not view the Respect Order as the new "default" method for dealing with all unwanted behaviour.

15. For example, the Court may not consider persistent loud music that is disturbing residents to be behaviour capable of clearing the higher bar of harassment, alarm or distress, required to obtain a Respect Order, but it could meet the lower threshold of nuisance or annoyance, in which case an application for a Housing Injunction under section 1A ASBCPA would be more appropriate.

Housing Injunction or Respect Order?

16. What about the cross over? Some practitioners may read the introduction of yet another order designed at tackling unacceptable behaviour with an eye roll, and wonder which approach is now best when dealing with a persistent perpetrator. In reality, a person who commits this sort of behaviour rarely confines their inconsiderate (or malicious) behaviour to neatly boxed scenarios such as "housing related" or "domestic" and practitioners may have concerns as to which path is best take with the Court.

17. However, the drafting of the new legislation allows for the nuance of reality faced by those dealing with ASB in the housing arena: section A1(8) ASBCPA provides that the Court may treat an application for a Respect Order as an application under section 1A (power to grant Housing Injunctions) for an injunction under that section. The effect of this provision is to allow the Court flexibility to grant whichever order seems most appropriate for the specific ASB in issue, without the need for dual applications.

18. This is a significant advantage for applicant landlords in that, should they seek a Respect Order, but the Court finds the conduct complained of falls short of the requisite threshold (conduct causing or likely to cause harassment, alarm or distress) the Court can decide to treat that application as one for a Housing Injunction instead and make an order accordingly, rather than dismissing the application and forcing the applicant to start again.

Risk Assessment Requirement

19. Section J1(1) ASBCPA requires the applicant to carry out a risk assessment in relation to an application for a Respect Order, assessing inter alia any vulnerabilities of the respondent and any alternative means of preventing the ASB.

20. A similar provision exists for Housing Injunctions in section 13A ASBCPA, together with a requirement at section 14 to consult appropriate bodies or individuals (albeit not when an application is made ex parte).

21. In practice, although of course an important requirement, these steps are unlikely to change the practical steps already taken by social housing providers, local authorities, and Police forces. Landlords will be accustomed to carrying out Equality Act proportionality assessments, which require a holistic view be taken of the proposed respondent's vulnerabilities and disabilities. Police forces should also be accustomed to carrying out both risk and proportionality assessments before making any civil applications.

22. Both landlords and Police forces should be familiar with the usual advice, following ample case law on the topic, of the need to demonstrate compliance with the Public Sector Equality Duty and the requisite 'sharp focus' as part of their Equality Act proportionality assessments.

23. Notably, there is no explicit requirement to serve the risk assessment on the respondent or the Court at the time of making the application. A view may be taken as to whether it is wise to file a copy of that risk assessment with the evidence supporting the application, together with proportionality assessments, as is common practice already.

The order

24. Respect Orders can contain both prohibitions and positive requirements aimed at tackling the root causes of anti-social behaviour. As with the old ASBI, there is a requirement for proper supervision of any positive requirements to be arranged and specified within the Order.

25. The supervision may be carried out by either an individual or an organisation, but they must be identified in the order and be suitable to carry out that supervision. Housing providers particularly will need to be mindful of this requirement and may wish to liaise with local authorities and Police services as to who would be best placed to provide appropriate supervision for a wider variety of activity requirements, such as completion of substance misuse treatment programmes or attendance at local authority support services.

26. The Respect Order regime does little, therefore, to mitigate the ongoing 'tussle' between those types of organisations, as to who is to expend their precious resources in tackling ASB.

27. The order must specify its duration or state that it is made until further order. No minimum or maximum period applies.

28. The new Housing Injunction mechanism similarly retains the power to impose positive requirements as well as prohibitions on conduct, as under the old ASBI regime.

Enforcement

29. Arguably the most important difference lies in enforcement. Indeed, in its policy paper factsheet, the government describe Respect Orders as filling a "significant gap" in the existing ASB powers and giving "local agencies stronger enforcement capacity to tackle the most relentless adult ASB offenders".

30. Applications for both Respect Orders and Housing Injunctions are made to the County Court, or High Court, as appropriate.

31. The chief difference in enforcement between the old ASBI and Respect Orders lies in the fact breaches of Respect Orders are a criminal matter, to be dealt with by the Police and CPS, rather than an application to the County Court for a finding of contempt, as was the case with ASBIs.

32. It is a criminal offence to breach a Respect Order without reasonable excuse (section I1 ASBCPA) and therefore subject to an automatic power of arrest for suspected breaches.

33. A person convicted of breaching a Respect Order will be liable on summary conviction to 12 months imprisonment or, on indictment, to a sentence of up to 2 years imprisonment. In both instances the defendant could be subject to a fine instead of, or as well as, a period of imprisonment.

34. Notably, section I1(4) ASBCPA expressly prohibits the Court form granting a conditional discharge for a breach. This is a measure consistent with the current government's expressed intention to be tougher on ASB.

35. Breaches of Housing Injunctions are pursued by way application for committal on a finding of contempt to the County Court (or High Court) as under the old ASBI regime.

36. In theory, this has the significant advantage of removing the time, cost and resource burden from landlords of having to enforce their ASBIs in the County Court, placing the burden on the criminal justice system instead.

37. However, in the context of continuing challenges nationally, in securing meaningful cooperation between social landlords and Police forces, which results in swift, effective action being taken, those who advise landlords may well be guarded in their optimism as to how effective this change will be.

38. Those advisers will also be mindful that the Magistrates' Court, as reported by the Magistrates' Association earlier this year, is currently experiencing a record high backlog of 380,000 cases (quarterly statistics reported for April to June 2026) which will inevitably slow the pace at which Respect Orders can be meaningfully enforced for the benefits of complainants.

Conclusion

39. Time will tell whether these latest measures will spell the erasure of the crises of anti-social behaviour experienced nationwide. The new regime certainly gives local authorities, Police forces and housing providers an interesting new set of tools to call upon in tackling problematic behaviour.

40. The shift in enforcement mechanisms are to be welcomed at first blush (certainly in relation to allowing Housing Providers to pursue Closure Orders), however, the practical reality of placing the enforcement burden for Respect Order breaches on the criminal justice system will be a cause for concern, unless Housing Providers are able to secure effective cooperation with their local Police forces.

41. Similarly, at a time when the Magistrates' Court is under increasing burden, there will be concern as to how effective enforcement of Respect Orders will be and thus their effectiveness in punishing, but more importantly deterring and preventing, the sort of anti-social behaviour this regime is designed to tackle.

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