

# The Creation of an English Criminal Code: 6 Acts

## Fifth Act - Public Order

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Received: March 7, 2025 Accepted: April 9, 2025 Online Published: April 11, 2025

doi:10.5539/par.v14n1p1 URL: <http://dx.doi.org/10.5539/par.v14n1p1>

*This fifth article argues that all Public Order legislation should be consolidated into one Act. Further, that 2 public order crimes (affray and fear or provocation of violence) in the Public Order Act 1986 should be abolished. And, that crimes of harassment in the same Act be combined with those dealing with crimes of harassment against the person. Also, that obsolete local public order legislation be abolished as well as obsolete common law crimes.*

### **1. Introduction**

Four previous articles have looked at the consolidation of all UK criminal law into 6 pieces of legislation *viz.* the first four (*italicized*) of the following Crime Acts:

- *Sex Crimes Act*
- *Property and Finance Crimes Act*
- *State Crimes Act*
- *Weapons Act*
- Public Order Crimes Act
- Crimes against the Person Act

A new Public Order Crimes Act involves the consolidation of extant public order crimes. The content of this consolidation Act will be the following, crimes relating to:

- Public Meetings
- Public Processions
- Public Assemblies<sup>1</sup>
- Quasi-military Organisations (inc. uniforms)
- Hate crimes<sup>2</sup>
- Trespass crimes
- Football crimes
- Drug crimes
- *Alcohol crimes*
- Other public order crimes

These are now considered in turn.

### **2. Disturbing a Public Meeting**

There is old legislation on public meetings still extant. This legislation comprises the following (see *Appendix 1* for the text):

<b><u>Act</u></b>	<b><u>No of Sections (total 7)</u></b>
Public Meeting Act 1908	(s 1, endeavouring to break up a public meeting) 1

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<sup>1</sup> 'Public assemblies' are different from 'public meetings' since the former, generally, refer to an officially called meeting inside a building. They are, also, different from 'public processions.' The Public Order Act 1986 (correctly) reflects this.

<sup>2</sup> i.e. hatred on the basis of race, religion or sexual orientation.

Public Order Act 1936	(ss 1, 2, 7-9)	5
<i>Public Order Act 1963</i>	<i>(amends 1908 and 1936 Acts)</i>	
Representation of the People Act 1983	(s 97, disrupting public meeting)	1

The 1908 Act deals with public meetings in general<sup>3</sup> while the 1936 Act relates to those in respect of elections.<sup>4</sup> The two should be combined. Further, the word ‘*disturbing*’ with reference to a public meeting in the section title to the 1983 Act is better than the words ‘*endeavouring to break up*’ in the section title to the 1908 Act. The 1908 crime can, also, be more simply stated *viz.*

1. **Disturbing a Public Meeting.** ‘It is a crime if a person (A):

- (a) at a lawful public meeting
- (b) acts in a disorderly manner (or incites another to do so)
- (c) A’s intention being to prevent
- (d) the transaction of business for which the meeting was called.’

The Act of 1936 was designed to deal with neo-Nazi rallies in the 1930s. s 2 prohibits uniforms in connection with political objects<sup>5</sup> and s 3 prohibits quasi-military organisations. This material should, also, be modernized. See also Archbold (2024) ch 25-327 for commentary. The definition of ‘*public place*’ should be standardized with others throughout all criminal legislation.

***In conclusion, a Public Order Crimes Act should consolidate crimes on: (a) disturbing public meetings; (b) quasi-military organisations (including uniforms).***

### 3. **Crime of Riot**

This crime has a long legal history. Its present form is contained in the Public Order Act 1986 (the ‘**1986 Act**’). See *Appendix 2* for text. This is the principal legislation dealing with public order (see Archbold (2024) ch 29 for commentary). The 1986 Act.

- ss 1-5 deal with the crimes of: (a) riot; (b) violent disorder; (c) affray; (d) fear (or provocation) of violence; (e) intentional harassment, alarm or distress; (f) harassment, alarm or distress;
- ss 11-6 deal with public assemblies and processions (and crimes relating thereto).

It may be noted, from the outset, that this Act was not well drafted. *Riot* is defined in s 1 as follows:

Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.

Today, this crime could be defined more succinctly specifying the basic pre-requisites. *viz.*

1. **Riot.** (1) It is a crime, in the case of each person, if a person (A):

- (a) is present with 11 (or more) other persons
- (b) in a public place<sup>6</sup> and
- (c) together
- (d) they intentionally<sup>7</sup> [with a common intention]<sup>8</sup>
- (e) use (or threaten)<sup>9</sup>

<sup>3</sup> *viz.*, s 1 ‘Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence...Any person who incites others to commit an offence under this [s] shall be guilty of a like offence.’

<sup>4</sup> *viz.* (1) ‘A person who at a lawful public meeting to which this [s] applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice. (2) This [s] applies to (a) a political meeting held in any constituency between the date of the issue of a writ for the return of a member of Parliament for the constituency and the date at which a return to the writ is made; (b) a meeting held with reference to a local government election in the electoral area for that election in the period beginning with the last date on which notice of the election may be published in accordance with rules made under [s] 36 or [s] 36A or, in Scotland, [s] 42 above and ending with, the day of election.’

<sup>5</sup> This does not accurately reflect the crime which is that of wearing a quasi-military uniform.

<sup>6</sup> This definition should be standardized with others in criminal legislation.

<sup>7</sup> Out of place, 1986 Act, s 6 (1) states ‘A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent’. The first part is a pre-requisite. Thus, for intelligibility, it should be included with other pre-requisites. See also 1986 ss 4(5)A and 5 (*harassment*). As to the second part, this wording is simply too vague and does not accord with most other crimes where ‘*intention*’ alone is the pre-requisite.

<sup>8</sup> Another, perhaps better, formulation is to state ‘with a common intention’. If used (c), (d) and (g) would not be necessary.

- (f) unlawful violence<sup>10</sup>
- (g) for a common purpose, and
- (h) their conduct together
- (i) would cause a reasonable person
- (j) to fear for his safety.

(2) In the case of (1):

- (a) it is immaterial if the persons use unlawful violence simultaneously or not
- (b) a common purpose may be inferred from conduct.<sup>11</sup>

Such removes antiquated language *viz.* ‘a person of reasonable firmness’<sup>12</sup> which is (generally) not present in other ‘reasonableness’ tests (criminal and civil) which simply refer to a ‘reasonable person.’ More particularly:

- **‘Reasonable Person’ Test not Required.** In modern times, consideration needs to be given as to whether this crime is accurately stated. It should be enough if 12 persons use (i.e. engage in): (a) unlawful violence for (b) a common purpose.<sup>13</sup> Whether a ‘reasonable person’ - who, the law accepts, need not be present in actuality at the scene<sup>14</sup> - would ‘fear for his personal safety’ should be irrelevant. The key issue of the crime is whether the persons involved were, in actuality, *unlawfully violent*. Thus, the pre-requisite to the crime should exclude any ‘reasonableness’ test. It is unnecessary. Most crimes do not impose such an additional test;
- **‘Public Place.’** In the past, riot could only be committed in a public place. The 1986 Act, s 1(5) says that the crime ‘*may be committed in private as well as in public places.*’ However, this is misleading since should not be able to be committed *inside* a private dwelling as such<sup>15</sup> since such always distinguished a *public order crime* from a *crime against the person*, even from earliest times.<sup>16</sup> And, generally, a ‘public place’ excludes the same. This error has arisen due to different definitions of ‘public place’ in criminal legislation when they should all be the same. This should be corrected;
- **‘Threaten not Enough.’** It should not be enough to ‘threaten’ violence. In times past, in major riots, there was actual violence employed - not just people gathering and shouting.<sup>17</sup> That is, there had to be *actual* unlawful violence. For example, in the Gordon riots of 1781, the rioters attacked people, committed theft and burglary, destroyed buildings and houses (i.e. caused criminal damage) *etc.* So too, in the famous May Day Riot of 1521 (which followed an annual practice by London apprentices) when the target of the mob were rich foreigners. Thus, the formulation of this crime of riot should be simplified. Further, the actual reading of the ‘Riot Act’ (used in the case of the Riot Act 1714) by a police

<sup>9</sup> Perhaps, a better word to ‘use’ is ‘engage in’ which is used in other criminal legislation. As to whether ‘threatening’ should be sufficient for the crime of riot, see the text in 3.

<sup>10</sup> A review of the legal history of riots reveals that the ‘unlawful violence’ usually engaged in, for the purpose of a riot, comprised: criminal damage to property (i.e. robbing or destroying shops, burning down non-conformist religious buildings *etc.*) as well as theft, burglary, physical attacks on particular groups of people (catholics, jews *etc.*)

<sup>11</sup> See the 1986 Act, s 1(2) ‘It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously. (3) The common purpose may be inferred from conduct.’

<sup>12</sup> i.e. the word ‘firmness’ adds nothing.

<sup>13</sup> See also Archbold (2024) 29-3.

<sup>14</sup> 1986 Act, s 1(4) ‘No person of reasonable firmness need actually be, or be likely to be, present at the scene.’ This applies in the case of all of riot, violent disorder and affray (see ss 1-3). Given this, there is little point in predicating the need for a reasonable person, if the actual presence of the same is not required and it is purely theoretical (i.e. a legal fiction).

<sup>15</sup> This is made clear in respect of the crime of a fear or provocation of violence, see 1986 Act, s 4 (2) ‘An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is distributed or displayed, *by a person inside a dwelling and the other person is also inside that or another dwelling.*’ (*italics supplied*).

<sup>16</sup> In Anglo-Saxon times, legislation (dooms) was drafted by clerics (since only they could write). They borrowed the biblical concept of peace from Christ (‘*my peace be with you*’) and made it refer to the absence of breaches of the peace (i.e. breaches of the criminal law). They distinguished (a) *breaches of a man’s individual peace* (i.e. within the privacy of his dwelling (including the curtilage which was always fenced about according to Anglo-Saxon, and earlier Germanic, custom); and (b) *breaches of the king’s peace* - the king being responsible for maintaining the ‘public peace’ (i.e. the criminal law in the community, the common (or public) peace). This has prevailed even unto modern times (i.e. breach of the public peace, being the king’s peace), see GS McBain, *Modernising the Law: Breaches of the Peace and Justices of the Peace* (2015) *Journal of Politics and Law*, vol 8, no 3, detailing the historical development of the legal concept of peace. As a result, riot could only be committed in a public place (i.e. in a place open to the common people, the public). I suspect that the draftsman of the 1986 Act (and those instructing) were unaware of this.

<sup>17</sup> Cf. 1986 Act s 3(2) (*affray*) (3) ‘For the purposes of this [s] a threat cannot be made by the use of words alone.’

officer should be re-employed, because - in the past - it warned lawful people to disperse and, often, this immediately reduced the risk of riot in practice.

Thus, an optimal, modern, definition of *riot* today (shorn of unnecessary matter) would appear to be:

- (1) **Riot.** It is a crime (in the case of each person) if a person (A):
- (a) is present with 11 (or more) others
  - (b) in a public place
- and
- (c) together
  - (d) they engage in unlawful violence
  - (e) having a common purpose [intention].

***In conclusion, the crime of riot should exclude a 'reasonableness' test. Also, there should be actual 'unlawful violence.' Threatened unlawful violence (including words alone) should not be sufficient (see the insufficiency of words in the case of affray, see s 5).***

#### **4. Crime of Violent Disorder**

The 1986 Act, s 2 defines this crime as follows:

Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) *is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety*, each of the persons using or threatening unlawful violence is guilty of violent disorder. (*italics supplied*)

This crime should be identical to riot (i.e. wholly matched up) save that: (a) 3 or more persons are present and; (b) they need not have a common purpose (intention), unlike riot. Thus, no reasonableness test should be required (as at present) and *threatening* should be insufficient (not as at present). Further, the same problem *vis-a-vis* a '*public place*' occurs - this crime, being a public order crime, should not be capable of being committed *inside* a dwelling. Thus:

1. **Violent Disorder.** It is a crime (in the case of each person) if a person A:
- (a) is present with 3 (or more) others (B)
  - (b) in a public place
- and
- (c) together
  - (d) they engage in unlawful violence
  - (e) *although they need not have a common purpose.*<sup>18</sup>

As with riot, *threatened* violence (words *etc*) should not be enough. Actual unlawful acts should be committed. In the case of '*threatened*' violence this is dealt with under other ss in the 1986 Act - see **6 & 7** below, as well as '*assault*' (a common law crime when battery is threatened). Also, as noted below, consideration should be given to abolishing the crime of *affray* (see **5**, which is little understood) and reducing the number of persons for this crime of *violent disorder* to 2 or more (as opposed to 3 at present).

***In conclusion, the crime of violent disorder should exclude a 'reasonableness' test. Also, there should be actual 'unlawful violence.' Threatened unlawful violence should not be enough. Finally, the number to commit this crime should be reduced to 2 or more persons, not 3 or more.***

#### **5. Crime of Affray**

The 1986 Act, s 3, defines this crime as follows:

A person is guilty of affray if he uses or threatens unlawful violence towards another *and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.*<sup>19</sup> (*italics supplied*)

The word '*affray*' has little - or no - meaning to anyone today. Further, this is not a *public order* crime in reality in its present formulation.

- It is a *crime against the person* crime since it can be committed by just 1 person against another. However, so too is the common law crime of *battery* or *assault* (which does not impose a '*reasonable person*' test). In other words, this is

<sup>18</sup> This clarifies that (unlike riot) a common purpose/intent (such as burning down a non-conformist chapel) is not required.

<sup>19</sup> See also Archbold (2024) ch 29-19.

duplication of another crime since a person who is committing affray is, also, committing battery (or, if threatened, assault) in most cases;

- Further, simply *threatening* violence (as with riot) should not be covered by this crime.<sup>20</sup> This is covered by another crime in the 1986 Act. See s 4 (*fear or provocation of violence*) which covers threatening words - *or behaviour* (i.e. a threatening act) - with intent to cause another person to fear unlawful violence.

This crime of affray should be abolished as unnecessary duplication. At present, it simply creates confusion - this being added to, by the 1986 Act also stating in s 3(2):

Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of [ss] (1).

Given this, it would seem sensible to abolish this crime of *affray* and provide that '*violent disorder*' is committed if 2 (not 3) persons are present since both crimes require to a commonality of action (conduct together)<sup>21</sup> when there are more than 2 persons present. Thus, both in s 3(2) in the case of '*affray*' - and in s 2 in the case of '*violent disorder*' - reference is made to '*the conduct of them taken together.*' Also, both have a reasonableness requirement. And, the core content of the crime - in the case of both - is the *use* or *threat* of unlawful violence. In short, there is great overlap between the 2 crimes.

***In conclusion, the crimes of riot, violent disorder and affray should be updated. Affray should be abolished and there should only be crimes of:***

- ***riot*** - 12 or more persons commit unlawful violence having a common purpose (intent)
- ***violent disorder*** - 2 or more persons commit unlawful violence, having a common action.<sup>22</sup>

***Further, there should be, for both riot and violent disorder: (a) no reasonableness test (the key being unlawful violence); (b) threatening should not be enough (the crime of fear or provocation of violence was designed to deal with it and it is, also, covered by the crimes of battery and assault). Further, riot and violent disorder should not be capable of being committed in a private dwelling. They were, always, crimes in a public place.***

## **6. Crime of Fear or Provocation of Violence**

The 1986 Act, s 4 defines this crime as follows:

A person is guilty of an offence if he:

- (a) uses towards another person threatening, abusive or insulting words or behaviour, or
- (b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting, with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

The wording of this crime is very poor:

- There is reference to '*threatening, abusive or insulting*'. However, the latter two are invariably implicit in (i.e. examples of) '*threatening*'. Thus, in effect, the gravamen of this crime is one of threatening unlawful violence in some way. However, this is, also, covered in the crimes of *riot*, *violent disorder* and *affray*. Such is obscured by the '*reasonableness*' test in the case of riot, violent disorder and affray - which is unnecessary anyway.
- Further, this s 4 crime is unnecessary. The key issue is the actual use of violence (battery, see (a) '*uses*') or the threat of *violence* (producing a fear of attack or the accused seeking to provoke retaliation). Yet, such comprises the crime of '*assault*' (fear of being attacked/violence) and such is appropriate as an offence against the person, in the case of a *single* accused.
- Hence, this crime of a single person using (or threatening) violence against '*another person*' is not a public order offence. It is a crime against the person. One which duplicates another crime against the person (i.e. battery/assault). Indeed, two - since '*threatening*' is, also, the '*core content*' (the grundnorm) of *harassment* (see 7).

Hence, this crime of fear (or provocation of) violence should be abolished and only 2 crimes are necessary in the realm of '*public order*' viz: (a) violent disorder; and (b) riot (being *aggravated* violent disorder - occurring when larger number of persons are present and there is a common intent/purpose, such as to destroy a specific building(s), attack foreigners *etc*).

<sup>20</sup> Words alone preclude affray, see n 17.

<sup>21</sup> Neither *affray* nor *violent disorder* require commonality of *intention* (purpose) unlike riot.

<sup>22</sup> but not a common intent (purpose). The difference between *riot* and *violent disorder* is not that people don't act *together*. That is the same prerequisite for both crimes. However, in the case of the crime of violent disorder, they do not need to have a *common purpose* (intent).

***In conclusion, the crime of affray should be abolished as a public order crime. It is covered by the crime of assault (ie. threatened battery) which is a crime against the person. It is also covered by the crime of harassment (intimidation) as expressed in legislation and as interpreted by the courts.***<sup>23</sup>

### **7. Harassment, Alarm or Distress**

The Public Order Act 1986 contains 3 crimes of harassment (and one aggravated crime, see s 31) viz.

s 4A. **Intentional harassment, alarm or distress.** (1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he (a) uses *threatening*, abusive or insulting words or behaviour, or disorderly behaviour, or (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress. (*italics supplied*)

s 4B. **Intentional harassment, alarm or distress on account of sex.** ‘(1) A person (A) is guilty of an offence under this [s] if (a) A commits an offence under [s] 4A (*intentional harassment, alarm or distress*), and (b) A carried out the conduct referred to in [s] 4A(1) because of the relevant person’s sex (*or presumed sex*). (2) In [ss] (1) “*presumed*” means presumed by A; “*the relevant person*” means the person to whom A intended to cause harassment, alarm or distress. (3) For the purposes of [ss] (1)(b) it does not matter whether or not (a) A also carried out the conduct referred to in [s] 4A (1) because of any other factor not mentioned in [ss] (1)(b), or (b) A carried out the conduct referred to in [s] 4A(1) for the purposes of sexual gratification.

s 5. **Harassment, alarm or distress.** (1) A person is guilty of an offence if he (a) uses threatening or abusive words or behaviour, or disorderly behaviour, or (b) displays any writing, sign or other visible representation which is threatening or abusive, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby. (*italics supplied*)

s 31. **Racially or religiously aggravated offences.** This is an *aggravated harassment* crime, although the title fails to make this clear. Thus, the Crime and Disorder Act 1998, s 31 (*racially or religiously aggravated public order offences*) states: (1) A person is guilty of an offence under this [s] if he commits (a) an offence under [s] 4 of the Public Order Act 1986 (*fear or provocation of violence*); (b) an offence under [s] 4A of that Act (*intentional harassment, alarm or distress*); or (c) an offence under [s] 5 of that Act (*harassment, alarm or distress*), which is racially or religiously aggravated for the purposes of this [s].

It is asserted that these crimes should not be in *public order* legislation but in legislation dealing with crimes *against the person* since they are, most of the time, directed against a specific person(s) and they are, therefore, related to other legislation dealing with harassment (intimidation) such as the:

- o Administration of Justice Act 1970, s 40 (*harassing of debtors*)
- o Malicious Communications Act 1988, s 1 (*sending distressing letters*)
- o Criminal Justice and Police Act 2001, ss 42 & 42A (*harassment in home*)
- o Protection from Harassment Act 1997 (ss 1-13)
- o Criminal Justice and Public Order Act 1994, s 154 (*intentional harassment*)
- o Stalking Protection Act 2019 (*stalking*)
- o Protection from Sex Based Harassment in Public Act 2023 (*intentional harassment, alarm or distress on account of sex*).

***In conclusion, ss 4A, 4B, 5 & 31 (see above) should be inserted in a Crimes against the Person Act, along with other material relating to harassment.***

### **8. Why all the Muddle in the 1986 Act?**

The 1986 Act sought to get rid of old *public order* common law offences (including *riot* and *tumultuous assembly*), which is creditable. However, there was a failure in the 1986 Act to, also, take into account common law crimes *against the person* - such as *battery* and *assault*.<sup>24</sup> Also, a failure to realise that the older public order crimes were treated as such (and not as crimes against the person) because they involved a *number of people* acting together. Also, a failure to appreciate that the essence of ‘*harassment*’ is threatening a specific individual(s) (including a particular group, catholics, jews *etc*) and not members of the public *in general*, whom the accused does not know as such.

This confusion can be sorted out by having only 2 public order crimes - *riot* and *violent disorder*, both where there is a common action (the committing of unlawful violence *together*) in a public arena. Further, any ‘*reasonableness*’ test for these crimes should be dropped. Further, ‘*harassment*’ should be a crime against the person (with ‘*alarm* and

<sup>23</sup> It should also be noted that the crimes of *riot*, *violent disorder* and *affray* are rooted in history. They were before the modern day development of the crime of *harassment* (which, also, uses the concept of ‘*threatening*’ being intimidation) and hate crimes. Thus, there is too much overlap.

<sup>24</sup> In other words, public order crimes were never intended (historically) to apply when there was just interaction between one person against another. In such a case, the specific crime such as *gbh*, *abh*, common assault *etc* applied. Cf. 1986 Act, s 3 (*affray*) where 1 person alone can commit it. Also, s 4 (*fear or provocation of violence*, which is, actually, an example of harassment and should be categorized as such).

*distress, abuse, insulting behaviour etc* 'being within the definition of the term as examples of the same - not distinct categories). Therefore, harassment will be considered in a final article on *Crimes against the Person*.

### **9. Public Order - Processions & Assemblies**

The 1986 Act, also, deals with the following:

- Public Processions - *viz.* advance notice (s 11), imposing conditions (s 12), prohibition (s 13)
- Public Assemblies - *viz.* conditions (inc. one person protests) (s 14, 19ZA), trespassory assemblies (14A-C)

These sections are *administrative* (save for the actual crimes) and they should be put in an *Appendix* since they are not crimes as such, save where expressly specified. Also, much of ss 11-14, presently, comprises very dense text (being prolix and repetitive) This could be (easily) simplified by a modern draftsman. Thus, for example, s 14B deals with crimes in connection with *trespassory assemblies*. It states:

- (1) A person who organises an assembly the holding of which he knows is prohibited by an order under [s] 14A is guilty of an offence.
- (2) A person who takes part in an assembly which he knows is prohibited by an order under [s] 14A is guilty of an offence.
- (3) In [E&W], a person who incites another to commit an offence under [ss] (2) is guilty of an offence.

This 'wodge' can be simplified - it, also, being made clear that the position is the same for a *procession viz.*

#### **Prohibited Assembly or Procession**

- (1). It is a crime if a person (A):
  - (a) organizes or
  - (b) takes part in
  - (c) a prohibited assembly<sup>25</sup> or procession<sup>26</sup> or
  - (d) incites another person (B) to do so.<sup>27</sup>

The *sentences* imposed from crimes relating to assemblies or processions, also, are very dense in format and they cause concern. They should be the *same* whether a person: (a) *fails to obey* any advance notice requirements for a procession; or (b) *breaches conditions* relating to them; (c) *acts contrary to* a prohibition on the same. Further, distinctions between the sentences in England with Scotland should be avoided. It may be noted, that these sentences are, also, out of kilter with Hate Crimes in the same Act (see **10**) which imposes only one sentence, regardless of the distinct crimes.

***In conclusion, these provisions on public order processions and assemblies should be modernized with administrative material being placed in an Appendix and sentences in a Table (with the sentences being properly aligned). Further, the text could be greatly simplified.***

### **10. Public Order - Hate Crimes**

Crimes of: (a) racial; (b) religious; and (c) sex orientation, hatred are - at present - in the following legislation *viz.*

<u>Act</u>		<u>No of Sections (total 7)</u>
Public Order Act 1986	(ss 17- 29)	5
Crime and Disorder Act 1998	(ss 28-31, <i>aggravated crime</i> )	1 <sup>28</sup>
Racial and Religious Hatred Act 2006	( <i>amends</i> )	
Criminal Justice and Immigration Act 2008	(s 74, hatred, sexual orientation)	1 <sup>29</sup>

Thus, in the case of the 1986 Act *vis-à-vis* racial hatred, crimes are laid down in ss:

- 18 (use of words or behaviour or display of written material)
- 19 (publishing or distributing written material)
- 20 (public performance of a play)

<sup>25</sup> 'Prohibited Assembly or Procession' would be one which occurs: (a) contrary to a police order; or (b) contrary to the *conditions* set out in a police order *etc*

<sup>26</sup> See 1986 Act, s 13 (7) & (8).

<sup>27</sup> Here, incitement is the substantive crime, not the inchoate one of incitement.

<sup>28</sup> s 29 (*aggravated criminal damage*) should be put in the Property and Finance Act. S 30 (*aggravated assault*) should be put in a Crimes against the Person Act. S 31 (*aggravated harassment*) should be put in a Crimes against the Person Act.

<sup>29</sup> S 74 states: '*Hatred on the grounds of sexual orientation* '[sch] 16 (a) amends Part 3A of the Public Order Act 1986 (c. 64) (*hatred against persons on religious grounds*) to make provision about hatred against a group of persons defined by reference to sexual orientation, and (b) makes minor amendments of that Part.'

- 21 (distributing, showing or playing a recording)
- 22 (broadcasting or including programme in cable programme service)
- 23 (possession of racially inflammatory material).

The above should be simplified and modernized. They should, also, be aggregated with similar sections relating to *religious* hatred (s 29A) and *sex orientation* hatred (29B) since they are identical. Material on powers of *entry* and *search* and *forfeiture* (ss 24-5) *re* racial hatred - as well as those relating to religious and sex orientation hatred - should be replaced by the PACE 1984 (as modernized).<sup>30</sup> As for the simplification and consolidation of the above, for example, s 18 states:

A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if

- (a) he intends thereby to stir up racial hatred, or
- (b) *having regard to all the circumstances racial hatred is likely to be stirred up thereby.*<sup>31</sup>

As it is, 'provoke' may be a better word than 'stir up' (see 1986 Act, s 4, *fear or provocation of violence*) or 'promoting.' Also, the crime should be committed only if *intention* can be proved, as occurs in most other crimes, including sex crimes. Thus:

#### **Provoking Hatred**

- (1) It is a crime if a person (A):
  - (a) in a public place<sup>32</sup>
  - (b) uses threatening words (or behaviour)
  - (c) intending to provoke
  - (d) racial, religious or sex orientation hatred.
- (2) '*behaviour*' includes the distribution of written threatening material.

***In conclusion, hate crimes which involve threatening words and behaviour are harassment against the person and should be in a Crimes against the Person Act, together with related material.***

#### **11. Public Order - Crimes of Trespassing**

Entering private property without legal right has - since Anglo-Saxon times - been treated as a serious crime and, generally, treated as one against public order given the likely reaction. The same prevails today with crimes relating to unauthorized '*raves*' on private land. For the text of those below, see *Appendix 3*.

<b><u>Act</u></b>		<b><u>No of Sections (total 42)</u></b>
Criminal Law Act 1977	(ss 6-13, entering/remaining on property)	7
Protection from Eviction Act 1977	(s 1, unlawful eviction and harassment of occupier)	1 <sup>33</sup>
Highways Act 1980	(s 137-137A, wilfully obstructing highway)	2
Serious Organised Crime Act 2005	(ss 128-31)	4
Legal Aid Sentencing & Punishment of Offenders Act 2012	(s 144, squatting)	1
Public Order Act 2023	(ss 1- 29) <sup>34</sup>	27

***In conclusion, crimes of trespassing should be consolidated in a Public Order Crimes Act.***

#### **12. Public Order - Crimes re Football**

These are dealt with in the following legislation:<sup>35</sup>

<sup>30</sup> As noted previously, there should be common sections on this, all of which should be consolidated in a modern *Criminal Procedure Act*.

<sup>31</sup> (b) should not be necessary since the key issue is the *intention* of A (the defendant). Also, it is very opaque in nature. Further, see the 1986 Act, s 18 (5) which, effectively, negates much of (b).

<sup>32</sup> This is very opaque in nature and difficult to determine. It is, also, unnecessary for harassment.

<sup>33</sup> See, also, Archbold (2024) ch 29-80.

<sup>34</sup> ss 1-2 (*locking on*), 3-5 (*tunnelling*), 6-8 (*infrastructure*), 9 (*abortion services*). Ss 10-14 (*strip and search*) should be in a Criminal Procedure Act. So too, s 17 (*power in relation to journalists*). As for ss 20-9 (*serious disruption orders*), these should be in an Appendix to the Public Order Crimes Act. S 9 (*dealing with abortion services*) should be in an Offences against the Person Act.

<sup>35</sup> For football banning orders, see Archbold (2024), ch 5A-964.



<u>Act</u>		<u>No of Sections (total 33)</u>
Football Spectators Act 1989	(ss 1, 9-14, 18-22)	26
Football (Offences) Act 1991	(ss 1-5)	5
Criminal Justice and Public Order Act 1994	(ss 166 & 166A, sale of tickets)	2
Football (Offences and Disorder) Act 1999	( <i>amends</i> )	
Football (Disorder) Act 2000	( <i>spent</i> )	
Violent Crime Reduction Act 2006	(ss 52-3, <i>amends</i> )	
<i>Football Spectators (Prescription) Order 2022</i>	(SI 2022/617) <sup>36</sup>	

These are connected with public order. Not least, in that they comprise large assemblies of people in which violent disorder can, often, break out, as well as crimes relating to racial hatred, alcohol, drugs *etc.* The above should be consolidated - with *administrative* sections placed in an *Appendix*. For the text of the above, see *Appendix 4*.

***In conclusion, crimes of football should be consolidated in a Public Order Crimes Act.***

### **13. Public Order - Crimes Relating to Alcohol**

These are dealt with in the following legislation (for the text, see *Appendix 5*):

<u>Act</u>		<u>No of Sections (total 45)</u>
Metropolitan Police Act 1839	(ss 44, permitting drunkenness)	1 <sup>37</sup>
Town Police Clauses Act 1847	(s 29, drunkenness, police station)	1 <sup>38</sup>
Licensing Act 1872	(s 12, 77, persons found drunk)	1
Inebriates Act 1898	(s 30 & sch)	1
Licensing Act 1902	(ss 1-2, 6, 8A, drunk in charge of child <i>etc</i> )	4
Penalties for Drunkenness Act 1962	(s 1, increased penalties) ( <i>spent</i> )	1
Children and Young Persons Act 1933	(s 5, alcohol to a child)	1
Criminal Justice Act 1967	(s 91, drunk in public place)	1
Criminal Justice Act 1972	(s 34, taking drunk to treatment centre)	1
Licensed Premises (Exclusion of Certain Persons) Act 1980	(ss 1-4, exclusion orders <i>etc</i> )	4
Confiscation of Alcohol (Young Persons) Act 1997	(s 1)	1
Criminal Justice and Police Act 2001	(s 19-28, closure of unlicensed premises)	9
Licensing Act 2003	(ss 139-54, 156-9)	18
Policing and Crime Act 2009	(s 30, alcohol in a public place)	1

***In conclusion, long ago, these piecemeal provisions should have been consolidated in the Licensing Act 2003 which contains the majority of alcohol crimes. Sections which are administrative, such as those in the 2001 Act, should be placed in an Appendix.***

### **14. Public Order - Crimes Relating to Drugs**

These are dealt with in the following legislation:<sup>39</sup>

<u>Act</u>		<u>No of Sections (total 117)</u>
Misuse of Drugs Act 1971	(ss 1-40)	40
<i>Controlled Dugs (Penalties) Act 1985</i>	( <i>amends</i> )	
Criminal Justice (Int. Co-operation) Act 1990	(ss 12-3,15, 18-21,23A, 24)	8
Drugs Act 2005	(ss 9-19)	10
Psychoactive Substances Act 2016	(ss 1-59)	59

For reasons of space the above are not set out in an *Appendix*. However, they should be consolidated and *administrative* material placed in an *Appendix* to a Public Order Crimes Act (also, some material on controlled drugs

<sup>36</sup> This indicates what football matches are covered by the 1989 Act. It might be helpful to put it into an *Appendix* to a Public Order Crimes Act. See also Archbold (2024), ch 5A-977.

<sup>37</sup> This only applies to the MPD of London.

<sup>38</sup> This only applies to some towns in England, not all.

<sup>39</sup> See also Archbold (2024) ch 27.

should be placed in a *Table*). Further, much of this material relates to arrest/stop and search/seizure/confiscation<sup>40</sup> as well as the power of the Secretary of State to make regulations. All this should be in a *Civil Procedure Act* (CPA).

***In conclusion, crimes of football should be consolidated in a Public Order Crimes Act.***

#### **15. Public Order - Crimes Relating to Lasers/Vehicles**

These are dealt with in the following legislation (for the text see *Appendix 6*):

<u>Act</u>	<u>No of Sections (total 3)</u>
Laser Misuse (Vehicles) Act 2018	3
(ss 1-3, vehicle, aircraft)	

Misuse of a laser in respect of a vehicle should be placed in the Road Traffic Act 1988 and not in a Public Order Crimes Act. Also, s 2 of the same (dealing with aircraft) should be placed in a civil aviation Act. There are, also, many crimes dealing with vehicles. They are contained in the Road Traffic Act 1988 and related legislation (see Archbold (2024) ch 32). They should be left there, since that is the most logical place to find them.

#### **16. Public Order - Obsolete Legislative Crimes**

There are various minor street crimes contained in Victorian legislation still on the books *viz.*

- Metropolitan Police Act 1829
- Metropolitan Police Act 1839 (ss 38-9, *fairs*)
- Metropolitan Police Courts Act 1839 (ss 27-8, *stolen property*)
- City of London Police Act 1839
- Metropolitan Police Courts Act 1840
- Town Police Clauses Act 1847
- Metropolitan Streets Act 1867
- Metropolitan Streets Act Amendment Act 1867
- Metropolitan Fairs Act 1868
- Town Police Clauses Act 1889

These are anomalous since these crimes are *local* in their extent. That is, they only apply to the City of London - or to the Metropolitan Police District (MPD) of London or to certain towns. They are not crimes elsewhere in England and Wales. The above legislation should be repealed as obsolete. So too, all Victorian Metropolitan Police and Police Courts Acts which relate to police matters, save for sections still of use (there are only a couple of sections, usually, in each piece of legislation). They should be modernized and placed in a Police Act.

#### **17. Crimes against Animals/Piracy/Immigration - Not to put in Public Order Act**

There are various crimes which have some connection to public order. However, they should not be placed in a Public Order Crimes Act. Instead, it is better for them to remain in specific legislation relating to them since that is where most lawyers would look.

- **Animals.** There is much older legislation relating to animals, with attendant crimes.<sup>41</sup> This should be consolidated in an Animals Act - including the Serious Organised Crime and Police Act 2005, ss 145-8 (*interference with animal research organisations*);<sup>42</sup>
- **Piracy.** The crime of *piracy* is a public order crime. However - besides being rare - it is covered by the Convention on the Law of the Sea 1982, the Merchant Shipping Act 1997 (*re ships*) and the Aviation Security Act 1982 (*re aircraft*). See, also, Archbold (2025), ch 25-2. It is best left there;<sup>43</sup>
- **Immigration.** There are various crimes relating to immigration (illegal entry *etc*). They are covered by the Immigration Act 1971 and related legislation. They are best left there. See, also, Archbold (2025) ch 25-280;
- **Postal Services.** There are a few crimes relating to the Post Office. They are covered by the Postal Services Act 2000. and the Communications Act 2003. See, also, Archbold (2024), ch 25-378. They should be left there. The exception is

<sup>40</sup> Ibid 27-102 & 118 (dealing with the Misuse of Drugs Act 1971, ss 23, 27).

<sup>41</sup> e.g. Night Poaching Acts 1828 & 1844, Game Act 1831, Game Licences Act 1860, Poaching Prevention Act 1862, Ground Game Act 1880 Hares Preservation Act 1892, Deer Act 1981, Dangerous Dogs Act 1999 *etc*.

<sup>42</sup> Archbold (2024), ch 29-93.

<sup>43</sup> The Piracy Act 1837, s 2 (*assault with intent to murder during piracy etc*). It deals with a crime against the person and will be dealt with in the final article, see Crimes against the Person Act. See, also, Archbold (2025) ch 25-10.

where the legislation refers to 'obscene' articles. These should be covered in *Sex Crimes Act* (see the first article by the author) since it is best that all material on obscenity be gathered into one place.

Other legislation dealing with public order matters (see Archbold (2024) ch 29) are *bomb hoaxes*.<sup>44</sup> I have considered them in the article on a *Weapons Act*. Also, *contamination of goods with intent*.<sup>45</sup> I have considered this in an article on a *Property and Finance Crimes Act*. However, there are a few other crimes which can be regarded as public order crimes and should be placed in a modernizing Act:

- **Organized Crime.** Participation in an Organised Crime Group (OCG);<sup>46</sup>
- **NHS Premises.** Nuisance (or disturbance) on NHS premises;<sup>47</sup>
- **Graffiti.** This is dealt with in the Anti-Social Behaviour Act 2003, ss 43-4;
- **High Hedges.** This is also dealt with in the above Act, ss 65-84.

### 18. Obsolete and non-Obsolete Common Law Public Order Crimes

There are various common law crimes relating to public order. 4 are obsolete and should be abolished *viz.*

- Refusal to Execute (i.e. serve in) a Public Office. See article by the author. Also, Archbold (2024) ch 25-391.
- A Common Innkeeper refusing to provide Board and Lodging to the Public. See article by the author.<sup>48</sup>
- Crime of failing to give an Oath of Frankpledge.<sup>49</sup> See article by the author.
- Crime of breach of the Hue and Cry.<sup>50</sup> See article by the author.

Other common law crimes should be placed in a Public Order Crimes Act:

- **Misconduct in a Public or Judicial Office.** This covers judges, police officers *etc.* See also article by the author which covers the legal history of this Act.<sup>51</sup> The common law crime should be abolished, being replaced by a statutory crime. At the same time, the Simony Acts 1588 and 1688 (*obs*) and the Sheriffs Act 1887, s 27<sup>52</sup> should be repealed.

As to other common law crimes, they should be placed in legislation which is most applicable to them. Thus:

Contempt of Court	In a Courts Act <sup>53</sup>
Personating a Juror	In a Courts Act/Criminal Procedure Act
Perverting the Course of Public Justice	In a Courts Act
Kidnapping	<i>In a Crimes against the Person Act</i>
<i>Conspiring (Conspiracy) to Defraud</i>	<i>In a Property and Financial Crimes Act</i>
<i>Murder</i>	<i>In a Crimes against the Person Act</i>
<i>Manslaughter</i>	<i>In a Crimes against the Person Act</i>

<sup>44</sup> See Criminal Law Act 1977, s 51.

<sup>45</sup> See Public Order Act 1986, s 38.

<sup>46</sup> See Serious Crimes Act 2015, s 45 and *Appendix 6*.

<sup>47</sup> See Criminal Justice and Immigration Act 2008, ss 119-22.

<sup>48</sup> The last criminal case appears to have been in 1901. This crime is duplicated civilly, which should be sufficient. See also Archbold (2025) 1-4.

<sup>49</sup> Frankpledge (an oath given by male freemen (free subjects, not slaves or peasants, although it later included the same) was an Anglo-Saxon legal requirement, never formally abolished. Each freeman (a male over 12, later, over 15) had to attend an annual meeting (called a 'view of frankpledge' i.e. an assembly for the purpose of giving the oath) before the sheriff's (shire reeve's) court (or court leet). There, in groups of 10 men (called a 'tithing') they swore a mutual oath that they would uphold the king's 'peace' (i.e. not breach the criminal law). The effect was to make each of the 10 a legal guarantor (surety) for the good conduct (also, called good 'abearing' or good 'behaviour') of the others. The sheriff's tourn was abolished in 1887 and courts leet (manorial criminal courts) no longer operate since 1977. Further, this legal obligation was obsolete by the 14<sup>th</sup> century but never legally abolished. It now should be, together with the common law crime attaching to it (basically, breach of a legal duty to attend a view of frankpledge and give an oath of frankpledge).

<sup>50</sup> Pursuant to the oath of frankpledge, the oath giver had the legal obligation - at the summons of a police constable (tithingman) or high sheriff - to pursue, and seize, persons breaching the peace (i.e. committing criminal acts). They were criminally liable if they failed to act (fined). However, the 'hue and cry' is long obsolete (probably, it was last exercised in the early 19<sup>th</sup> century prior to the formation of the police in 1829). The hue and cry should be abolished, together with any crime relating thereto. Today, there is, also, a common law crime of refusing to assist a police officer which should be placed in police legislation. It is sufficient to cover what was the 'hue and cry' obligation. See generally, GS McBain, *Modernising the Law: Breaches of the Peace and Justices of the Peace* (2015) *Journal of Politics and Law* (2015), vol 8, no 3.

<sup>51</sup> See GS McBain, *Modernising the Common Law Offence of Misconduct in a Public or Judicial Office* (2014) *Journal of Politics and Law*, vol 7, no 4.

<sup>52</sup> See also Archbold (2024), ch 25-390 (*under sheriff, deputy sheriff, bailiff*).

<sup>53</sup> *Ibid*, ch 28

*False Imprisonment*

*Cheating the Public Revenue*

*Assault and Battery*

Unlawful Treatment of Dead Bodies

Escape, Prison Breach and Rescue

Refusing to assist a Police Constable

*In a Crimes against the Person Act*

*In a Property and Finance Crimes Act*

*In a Crimes against the Person Act*

In Burial legislation<sup>54</sup>

In Prison legislation<sup>55</sup>

In a Police Act

Other *obsolete common law crimes* have already been discussed in previous articles such as:

- (a) Keeping (maintaining) a Disorderly House (brothel)
- (b) Outraging Public Decency (inc. conspiring)
- (c) Effecting a Public Mischief (inc. conspiring) <sup>56</sup>
- (d) Corrupting Public Morals (inc. conspiring) <sup>57</sup>
- (e) High crimes and misdemeanours
- (f) contempt of the sovereign (cf. contempt of court and contempt of Parliament).<sup>58</sup>

*Are there any other common law crimes still extant apart from the above?* The author is not sure there are.

### **19. Consolidation of above into a Public Order Crimes Act**

All the legislation mentioned above should be consolidated into a Public Order Crimes Act with the following parts:

#### Part 1 - Public Order Crimes:

1. Public Meetings
2. Public Processions
3. Public Assemblies
4. Riot
5. Violent Disorder
  - [] *Affray*<sup>59</sup>
  - [] *Fear or Provocation of Violence*<sup>60</sup>
  - [] *Harassment* <sup>61</sup>
6. Quasi-Military Organisations (inc. Uniforms)
7. Participation in an Organised Crime Group<sup>62</sup>
8. Nuisance or disturbance on NHS premises<sup>63</sup>
9. Misconduct in a Public or Judicial Office<sup>64</sup>
10. Graffiti (see 17)
11. High Hedges (see 17)
12. Noxious Substances<sup>65</sup>

#### Part 2 - Hate Crimes (Racial, Religious, Sex Orientation)

#### Part 3 - Trespass Crimes

<sup>54</sup> Ibid, ch 31-54.

<sup>55</sup> Ibid, ch 28.

<sup>56</sup> As for the crime of wasting police time, see Criminal Law Act 1967, s 5 and Archbold (2024) ch 28-198, This should be in a Police Act.

<sup>57</sup> See article on a Sex Crimes Act for (a)-(d).

<sup>58</sup> See article on a State Crimes Act for (e)-(f).

<sup>59</sup> It is suggested this public order crime be abolished.

<sup>60</sup> Ibid.

<sup>61</sup> It is suggested in the text that this crime not be a public order one, but one against the person.

<sup>62</sup> See Serious Crimes Act 2015, s 45 and *Appendix A*.

<sup>63</sup> See Criminal Justice and Immigration Act 2008, ss 119-22.

<sup>64</sup> This is a common law crime which should be placed in legislation.

<sup>65</sup> See Anti-Terrorism, Crime and Security Act, ss 113-5 (*noxious substances, inc hoaxes*). This should be in a Crimes against the Person Act, which deals with corrosive substances, poisons *etc*.

- Part 4 - Football Crimes
- Part 5 - Drug Crimes<sup>66</sup>
- Part 6 - General
  1. Definitions
  2. Form of Charge and Table of Sentences
  3. Orders and Regulations
  4. Minor and Consequential Amendments
  5. Repeals and Revocations
  6. Abolition of Obsolete Common Law Crimes<sup>67</sup>

## 20. Conclusion

All public order crimes should be consolidated into a *Public Order Crimes Act*. This, together with a *State Crimes Act* and a *Weapons Act*, should, then, be consolidated into a Criminal Code, Part 2 (Public Order Crimes). Such will simplify matters and save huge sums for the taxpayer. Furthermore, there are, at present, public order crimes which are not needed. These should be dispensed with *viz.* the crime of *affray* (which is better covered by the crime of '*violent disorder*'). Also, the crime of '*fear or provocation of violence*' (which is actually harassment, and better covered by such). Further, some other things should be done:

- Harassment crimes (inc aggravated harassment) should consolidated with those in an Offences against the Person Act;
- Administrative material (on public processions *etc*) should be in an *Appendix*;
- Sentences for all public order crimes should be in a *Table*.

As with previous articles, the following also apply to this consolidation Act

- **Powers of Arrest/Search/Asset Seizure/Forfeiture.** All this should be in a *Criminal Procedure Act*. At present, such sections are laboriously repeated (*ad nauseam*) in distinct criminal legislation with slips and variants in the wording (see for example those in the *Appendix*). It should be common to all crimes (and can be by making cross-reference to the same). *I have marked this with an \* to identify it;*
- **Power of Secretary of State to make Regulations.** This is (endlessly) repeated. There needs to be only 1 section in a *Public Order Crimes Act*. At present, this section is repeated (with variants) in various public order crimes. *I have marked this with an \* to identify it;*
- **Companies.** These can be involved in crimes. As with powers of arrest *etc* above, often, the same wording is repeated for distinct public order crimes. Such repetition is unnecessary. Only 1 section is needed in a Public Order Crimes Act. *I have marked this with an \* to identify it;*

Finally, in order to show just how much text can be taken out, in the attached Appendices I have done the following:

- **Table.** All sentences (*I have underlined the wording in a text*) should be in a Table (and the latter in an *Appendix*).<sup>68</sup> Further, the moment they are placed in a Table, it becomes clear how out of kilter they are;
- **Administrative Material.** There is, also, a large amount of administrative material at present in the text dealing with public order crimes. It should be in an *Appendix*, since it may not apply. For example, the large amount of orders which the police might secure. This avoids clogging up the text and enables easy comparison between police orders (again, there are variations, anomalies and unnecessary repetitions). *I have marked this material with an \*\* to identify it.*

### Appendix 1

#### Public Meeting Act 1908

S 1. **Penalty on endeavour to break up public meeting.** (1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an offence, and shall on [SC] be liable to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or to both. (2) Any person who incites others to commit an offence under this [s] shall be guilty of a like offence. (3) If any [PO] reasonably suspects any person of committing an offence under the foregoing provisions of this [s], he may if requested so to do by the chairman of the meeting require that person to declare to him immediately

<sup>66</sup> *Alcohol* crimes should be put in the Licensing Act 2003, see **13**.

<sup>67</sup> See **19**.

<sup>68</sup> Lest any object, it should be noted that providing a *Table* has been employed in some criminal legislation for a long time (e.g. Licensing Act 1902, Sex Crimes Act 1956). It is also common (and user friendly) in civil legislation.

his name and address and, if that person refuses or fails so to declare his name and address or gives a false name and address he shall be guilty of an offence under this [ss] and liable on [SC] thereof to a fine not exceeding level 1 [], (4) This [s] does not apply as respects meetings to which [s] 97 of the Representation of the People Act 1983 applies.

#### **Public Order Act 1936**

**S 1. Prohibition of uniforms in connection with political objects.** (1) Subject as hereinafter provided, any person who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object shall be guilty of an offence: provided that, if the [CPO] is satisfied that the wearing of any such uniform as aforesaid on any ceremonial, anniversary, or other special occasion will not be likely to involve risk of public disorder, he may, with the consent of a [SS], by order permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as may be specified in the order. (2) *Where any person is charged before any court with an offence under this [s], no further proceedings in respect thereof shall be taken against him without the consent of the [A-G] except such as are authorised by [s] 6 of the Prosecution of Offences 1979, so, however, that if that person is remanded in custody he shall, after the expiration of a period of [8] days from the date on which he was so remanded, be entitled to be released on bail without sureties unless within that period the [A-G] has consented to such further proceedings as aforesaid.\**

**S 2. Prohibition of quasimilitary organisations.** (1) If the members or adherents of any association of persons, whether incorporated or not, are (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the Crown; or (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose; then any person who takes part in the control or management of the association, or in so organising or training as aforesaid any members or adherents thereof, shall be guilty of an offence under this [s]: provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid it shall be a defence to that charge to prove that he neither consented to nor connived at the organisation, training, or equipment of members or adherents of the association in contravention of the provisions of this [s]. (2) *No prosecution shall be instituted under this [s] without the consent of the [A-G].* (3) If upon application being made by the [A-G] it appears to the High Court that any association is an association of which members or adherents are organised, trained, or equipped in contravention of the provisions of this [s], the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the association and in accordance with rules of court may direct an inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association and make such further orders as appear to the Court to be just and equitable for the application of such property in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the Court, in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid, and in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding-up or dissolving the association, and may order that any property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Crown. (4) In any criminal or civil proceedings under this [s] proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organised, or trained, or equipped. (5) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this [s] has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by [a PO] of a rank not lower than that of inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other persons named in the warrant and any other officers of police to enter the premises or place at any time within 3 months from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid: provided that no woman shall, in pursuance of a warrant issued under this [ss], be searched except by a woman. (6) Nothing in this [s] shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held upon private premises, or the making of arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards, or their being furnished with badges or other distinguishing signs.<sup>69</sup>

**S 7. Enforcement.** (1) Any person who commits an offence under [s 2] of this Act shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding [100] pounds, or to both such imprisonment and fine, or, on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine not exceeding [500] pounds, or to both such imprisonment and fine. (2) Any person guilty of any offence under this Act other than an offence under [s 2] shall be liable on [SC] to imprisonment for a term not exceeding [3] months or to a fine not exceeding level 4 [], or to both such imprisonment and fine.

**S 8. Application to Scotland.** This Act shall apply to Scotland subject to the following modifications: (1) [Ss] (2) of [s] 1 and [ss] (2) of [s] two of this Act shall not apply. (2) In [ss] (3) of [s] 2 the Lord Advocate shall be substituted for the [A-G] and the Court of Session shall be substituted for the High Court. (3) [Ss] (5) of [s] 2 shall have effect as if for any reference to a judge of the High Court there were substituted a reference to the sheriff and any application for a search warrant under the said [ss] shall be made by the procurator fiscal instead of such officer as

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<sup>69</sup> Much of this can go in an Appendix.

is therein mentioned.(4) The power conferred on the sheriff by [ss] (5) of [s 2], as modified by the last foregoing [para], shall not be exercisable by an honorary sheriff.

S 9. **Interpretation, &c.** (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say: “*Meeting*” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters; “*Private premises*” means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier, or lessee of the premises; “*Public meeting*” includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise; “*Public place*” includes any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984 and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise. “*Recognised corps*” means a rifle club, miniature rifle club or cadet corps approved by a [SS] under the Firearms Acts 1920 to 1936, for the purposes of those Acts. (3) Any order made under this Act by a [COP] may be revoked or varied by a subsequent order made in like manner. (4) The powers conferred by this Act on any [CPO] may, in the event of a vacancy in the office or in the event of the [COP] being unable to act owing to illness or absence, be exercised by the person duly authorised in accordance with directions given by a [SS] to exercise those powers on behalf of the [COP]. See also s 10 (*Extent*).

#### **Representation of the People Act 1983**

S 97. **Disturbances at election meetings.** (1) A person who at a lawful public meeting to which this [s] applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice. (2) This [s] applies to (a) a political meeting held in any constituency between the date of the issue of a writ for the return of a member of Parliament for the constituency and the date at which a return to the writ is made; (b) a meeting held with reference to a local government election in the electoral area for that election in the period beginning with the last date on which notice of the election may be published in accordance with rules made under [s] 36 or [s] 36A or, in Scotland, [s] 42 above and ending with, the day of election. (3) If a [PO] reasonably suspects any person of committing an offence under [ss] (1) above, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or gives a false name and address, he shall be liable on [SC] to a fine not exceeding level 1 [ ], and (a) if he refuses or fails so to declare his name and address or (b) if the [PO] reasonably suspects him of giving a false name and address, the [PO] may without warrant arrest him. This [ss] does not apply in [NI].

#### **Appendix 2**

#### **Public Order Act 1986**

S 1. **Riot.** (1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot. (2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously. (3) The common purpose may be inferred from conduct. (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene. (5) Riot may be committed in private as well as in public places. (6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term not exceeding [10] years or a fine or both.

S 2. **Violent disorder.** (1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder. (2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously. (3) No person of reasonable firmness need actually be, or be likely to be, present at the scene. (4) Violent disorder may be committed in private as well as in public places. (5) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both, or on [SC] to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

[S 3. **Affray.** (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety. (2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of [ss] (1). (3) For the purposes of this [s] a threat cannot be made by the use of words alone. (4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Affray may be committed in private as well as in public places. (7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine or both, or on [SC] to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.<sup>70</sup>

[S 4. **Fear or provocation of violence.** (1) A person is guilty of an offence if he (a) uses towards another person threatening, abusive or insulting words or behaviour, or (b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting, with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked. (2) An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is

<sup>70</sup> It is asserted this crime should be abolished (with violent disorder (see s 4) reduced to 2 persons). See text.

distributed or displayed, by a person inside a dwelling and the other person is also inside that or another dwelling. (4) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.<sup>71</sup>

S 4A. **Intentional harassment, alarm or distress.** (1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress. (2) An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling. (3) It is a defence for the accused to prove (a) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or (b) that his conduct was reasonable. (5) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 [ ] or both.<sup>72</sup>

S 5. **Harassment, alarm or distress.** (1) A person is guilty of an offence if he (a) uses threatening or abusive words or behaviour, or disorderly behaviour, or (b) displays any writing, sign or other visible representation which is threatening or abusive, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby. (2) An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling. (3) It is a defence for the accused to prove (a) that he had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or (b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or (c) that his conduct was reasonable. (6) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 [ ].<sup>73</sup>

S 6. **Mental element: miscellaneous.** (1) A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent. (2) A person is guilty of violent disorder or affray only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence. (3) A person is guilty of an offence under [s] 4 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting. (4) A person is guilty of an offence under [s] 5 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening or abusive, or is aware that it may be threatening or abusive or (as the case may be) he intends his behaviour to be or is aware that it may be disorderly. (5) For the purposes of this [s] a person whose awareness is impaired by intoxication shall be taken to be aware of that of which he would be aware if not intoxicated, unless he shows either that his intoxication was not self-induced or that it was caused solely by the taking or administration of a substance in the course of medical treatment. (6) In [ss] (5) “intoxication” means any intoxication, whether caused by drink, drugs or other means, or by a combination of means. (7) [Ss] (1) and (2) do not affect the determination for the purposes of riot or violent disorder of the number of persons who use or threaten violence.

S 7. **Procedure: miscellaneous.** (1) *No prosecution for an offence of riot or incitement to riot may be instituted except by or with the consent of the [DPP].* (2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 1 to 5 creates one offence. (3) If on the trial on indictment of a person charged with violent disorder or affray the jury find him not guilty of the offence charged, they may (without prejudice to [s] 6(3) of the Criminal Law Act 1967) find him guilty of an offence under [s] 4. (4) The Crown Court has the same powers and duties in relation to a person who is by virtue of [ss] (3) convicted before it of an offence under [s] 4 as a magistrates’ court would have on convicting him of the offence.

S 8. **Interpretation.** In this Part “dwelling” means any structure or part of a structure occupied as a person’s home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “structure” includes a tent, caravan, vehicle, vessel or other temporary or movable structure; “violence” means any violent conduct, so that (a) except in the context of affray, it includes violent conduct towards property as well as violent conduct towards persons, and (b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

S 10. **Construction of other instruments.** (2) In [Sch] 1 to the Marine Insurance Act 1906 (form and rules for the construction of certain insurance policies) “rioters” in rule 8 and “riot” in rule 10 shall, in the application of the rules to any policy taking effect on or after the coming into force of this [s], be construed in accordance with [s] 1 above unless a different intention appears. (3) “Riot” and cognate expressions in any enactment in force before the coming into force of this [s] (other than the enactments mentioned in [ss] (1) and (2) above) shall be construed in accordance with [s] 1 above if they would have been construed in accordance with the common law offence of riot apart from this Part. (4) Subject to [ss] (1) to (3) above and unless a different intention appears, nothing in this Part affects the meaning of “riot” or any cognate expression in any enactment in force, or other instrument taking effect, before the coming into force of this [s].

<sup>71</sup> Ibid.

<sup>72</sup> It is asserted this crime should be merged with harassment against the person. See text.

<sup>73</sup> Ibid.



S 11. **Advance notice of public processions.** (1) Written notice shall be given in accordance with this [s] of any proposal to hold a public procession intended (a) to demonstrate support for or opposition to the views or actions of any person or body of persons, (b) to publicise a cause or campaign, or (c) to mark or commemorate an event, unless it is not reasonably practicable to give any advance notice of the procession. (2) [ss] (1) does not apply where the procession is one commonly or customarily held in the police area (or areas) in which it is proposed to be held or is a funeral procession organised by a funeral director acting in the normal course of his business. (3) The notice must specify the date when it is intended to hold the procession, the time when it is intended to start it, its proposed route, and the name and address of the person (or of one of the persons) proposing to organise it. (4) Notice must be delivered to a police station (a) in the police area in which it is proposed the procession will start, or (b) where it is proposed the procession will start in Scotland and cross into England, in the first police area in England on the proposed route. (5) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service; but [s] 7 of the Interpretation Act 1978 (under which a document sent by post is deemed to have been served when posted and to have been delivered in the ordinary course of post) does not apply. (6) If not delivered in accordance with [ss] (5), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable. (7) Where a public procession is held, each of the persons organising it is guilty of an offence if (a) the requirements of this [s] as to notice have not been satisfied, or (b) the date when it is held, the time when it starts, or its route, differs from the date, time or route specified in the notice. (8) It is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route. (9) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of a [PO] or by his direction. (10) A person guilty of an offence under [ss] (7) is liable on [SC] to a fine not exceeding level 3 []. \*\*74

S 12. **Imposing conditions on public processions.** (1) If the [SPO], having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, (aa) in the case of a procession in [E&W], the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession, (ab) in the case of a procession in [E & W] (i) the noise generated by persons taking part in the procession may have a relevant impact on persons in the vicinity of the procession, and (ii) that impact may be significant, or] (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption, impact or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions. (2) In [ss] (1) “*the [SPO]*” means (a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, the most senior in rank of the [POs] present at the scene, and (b) in relation to a procession intended to be held in a case where [para] (a) does not apply, the [COP]. (2A) For the purposes of [ss] (1)(a) (a) the cases in which a public procession in [E&W] may result in serious disruption to the life of the community include, in particular, where it may, by way of physical obstruction, result in (i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey), (ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or (iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service, (b) in considering whether a public procession in [E&W] may result in serious disruption to the life of the community, the [SPO] (i) must take into account all relevant disruption, and (ii) may take into account any relevant cumulative disruption, and (c) “*community*”, in relation to a public procession in [E&W], means any group of persons that may be affected by the procession, whether or not all or any of those persons live or work in the vicinity of the procession. (2B) In [ss] (2A) and this [ss] “*access to any essential goods or any essential service*” includes, in particular, access to (a) the supply of money, food, water, energy or fuel, (b) a system of communication, (c) a place of worship, (d) a transport facility, (e) an educational institution, or (f) a service relating to health; “*area*”, in relation to a public procession or public assembly, means such area as the [SPO] considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly; “*relevant cumulative disruption*”, in relation to a public procession in [E&W], means the cumulative disruption to the life of the community resulting from (a) the procession, (b) any other public procession in [E&W] that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in [para] (a) is being held or is intended to be held (whether or not directions have been given under [ss] (1) in relation to that other procession), and (c) any public assembly in [E&W] that was held, is being held or is intended to be held in the same area in which the procession mentioned in [para] (a) is being held or is intended to be held (whether or not directions have been given under [s] 14(1A) in relation to that assembly), and it does not matter whether or not the procession mentioned in [para] (a) and any procession or assembly within [para] (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time; “*relevant disruption*”, in relation to a public procession in [E&W], means all disruption to the life of the community (a) that may result from the procession, or (b) that may occur regardless of whether the procession is held (including in particular normal traffic congestion); “*time-sensitive product*” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them. (2C) For the purposes of [ss] (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them. (2D) For the purposes of [ss] (1)(ab)(i), the noise generated by persons taking part in a public

<sup>74</sup> Much material in this - and the following sections - should go into Appendices.

procession may have a relevant impact on persons in the vicinity of the procession if (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or (b) it may cause such persons to suffer alarm or distress. (2E) In considering for the purposes of [ss] (1)(ab)(ii) whether the noise generated by persons taking part in a public procession may have a significant impact on persons in the vicinity of the procession, the [SPO] must have regard to (a) the likely number of persons of the kind mentioned in [para] (a) of [ss] (2D) who may experience an impact of the kind mentioned in [para] (a) or (b) of that [ss], (b) the likely duration of that impact on such persons, and (c) the likely intensity of that impact on such persons. (3) A direction given by a [COP] by virtue of [ss] (2)(b) shall be given in writing. (4) Subject to [ss] (5A), a person who organises a public procession and fails to comply with a condition imposed under this [s] is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control. (5) Subject to [ss] (5A), a person who takes part in a public procession and fails to comply with a condition imposed under this [s] is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control (5A) A person is guilty of an offence under [ss](4) or (5) only if (a) in the case of a public procession in [E&W], at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed; (b) in the case of a public procession in Scotland, the person knowingly fails to comply with the condition. (6) A person who incites another to commit an offence under [ss] (5) is guilty of an offence. (8) A person guilty of an offence under [ss] (4) is liable on [SC] (a) in the case of a public procession in [E&W], to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 [] or both; (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both. (9) A person guilty of an offence under [ss] (5) is liable on [SC] (a) in the case of a public procession in [E&W], to a fine not exceeding level 4 []; (b) in the case of a public procession in Scotland, to a fine not exceeding level 3 []. (10) A person guilty of an offence under [ss] (6) is liable on [SC] (a) in the case of a public procession in [E&W], to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 [] or both; (b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] on the [] or both. (10A) *In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: [E&W]), the references in [ss] (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.* (11) *In Scotland this [s] applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it. (spent)* (12) *The [SS] may by regulations amend any of [ss] (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this [s] of (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession, or (b) serious disruption to the life of the community.* (13) *Regulations under [ss] (12) may, in particular, amend any of those [ss] for the purposes of (a) defining any aspect of an expression mentioned in [ss] (12)(a) or (b) for the purposes of this [s]; (b) giving examples of cases in which a public procession is or is not to be treated as resulting in (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the procession, or (ii) serious disruption to the life of the community.* (14) *Regulations under [ss] (12) (a) are to be made by [SI]; (b) may apply only in relation to public processions in [E&W]; (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.* (15) *A [SI] containing regulations under [ss] (12) may not be made unless a draft of the [SI] has been laid before and approved by a resolution of each House of Parliament.*

**S 13. Prohibiting public processions.** (1) If at any time the [COP] reasonably believes that, because of particular circumstances existing in any district or part of a district, the powers under [s] 12 will not be sufficient to prevent the holding of public processions in that district or part from resulting in serious public disorder, he shall apply to the council of the district for an order prohibiting for such period not exceeding 3 months as may be specified in the application the holding of all public processions (or of any class of public procession so specified) in the district or part concerned. (2) On receiving such an application, a council may with the consent of the [SS] make an order either in the terms of the application or with such modifications as may be approved by the [SS]. (3) [Ss] (1) does not apply in the City of London or the [MPD]. (4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under [s] 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the [SS] make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned. (5) An order made under this [s] may be revoked or varied by a subsequent order made in the same way, that is, in accordance with [ss] (1) and (2) or [ss] (4), as the case may be. (6) Any order under this [s] shall, if not made in writing, be recorded in writing as soon as practicable after being made. (7) A person who organises a public procession the holding of which he knows is prohibited by virtue of an order under this [s] is guilty of an offence. (8) A person who takes part in a public procession the holding of which he knows is prohibited by virtue of an order under this [s] is guilty of an offence. (9) A person who incites another to commit an offence under [ss] (8) is guilty of an offence. (11) A person guilty of an offence under [ss] (7) is liable on [SC] to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both. (12) A person guilty of an offence under [ss] (8) is liable on [SC] to a fine not exceeding level 3 []. (13) A person guilty of an offence under [ss] (9) is liable on [SC] to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both.

**S 14. Imposing conditions on public assemblies.** (1) [Ss] (1A) applies if the [SPO], having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, (aa) in the case of an assembly in [E&W], the noise generated by persons taking part in the assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly, (ab) in the case of an assembly in [E&W] (i) the noise generated by persons taking part in the assembly may have a relevant impact on persons in the vicinity of the assembly, and (ii) that impact may be significant, or (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, (1A) The [SPO] may give directions imposing on the persons organising or taking part in the assembly (a) in the case of an assembly in [E&W],

such conditions as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in [ss] (1); (b) in the case of an assembly in Scotland, such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to the officer necessary to prevent the disorder, damage, disruption or intimidation mentioned in [ss] (1)(a) or (b). (2) In this [s] “*the SPO*” means (a) in relation to an assembly being held, the most senior in rank of the [POs] present at the scene, and (b) in relation to an assembly intended to be held, the [COP]. This is subject to [ss] and (2ZA) The reference in [ss] (2)(a) to a [PO] includes (a) a [PO] of the [BTP] Force, in relation to a place within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003; (b) a member of the [MOD] Police, in relation to a place to which [s] 2(2) of the [MOD] Police Act 1987 applies. (2ZB) The reference in [ss] (2)(b) to a [CPO] includes (a) the [CC] of the [BTP] Force, in relation to a place within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003; (b) the [CC] of the [MOD] Police, in relation to a place to which [s] 2(2) of the [MOD] Police Act 1987 applies. (2A) For the purposes of [ss] (1)(a) a the cases in which a public assembly in [E&W] may result in serious disruption to the life of the community include, in particular, where it may, by way of physical obstruction, result in (i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey), (ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or (iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service, (b) in considering whether a public assembly in [E&W] may result in serious disruption to the life of the community, the [SPO] (i) must take into account all relevant disruption, and (ii) may take into account any relevant cumulative disruption, and (c) “*community*”, in relation to a public assembly in [E&W], means any group of persons that may be affected by the assembly, whether or not all or any of those persons live or work in the vicinity of the assembly. (2B) In [ss] (2A) and this [ss] “*access to any essential goods or any essential service*” includes, in particular, access to (a) the supply of money, food, water, energy or fuel, (b) a system of communication, (c) a place of worship, (d) a transport facility, (e) an educational institution, or (f) a service relating to health; “*area*”, in relation to a public assembly or public procession, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly or procession; “*relevant cumulative disruption*”, in relation to a public assembly in [E&W], means the cumulative disruption to the life of the community resulting from (a) the assembly, (b) any other public assembly in [E&W] that was held, is being held or is intended to be held in the same area in which the assembly mentioned in [para] (a) is being held or is intended to be held (whether or not directions have been given under [ss] (1A) in relation to that other assembly), and (c) any public procession in [E&W] that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in [para] (a) is being held or is intended to be held (whether or not directions have been given under [s] 12(1) in relation to that procession), and it does not matter whether or not the assembly mentioned in [para] (a) and any assembly or procession within [para] (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time; “*relevant disruption*”, in relation to a public assembly in [E&W], means all disruption to the life of the community (a) that may result from the assembly, or (b) that may occur regardless of whether the assembly is held (including in particular normal traffic congestion); “*time-sensitive product*” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them. (2C) For the purposes of [ss](1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them. (2D) For the purposes of [ss](1)(ab)(i), the noise generated by persons taking part in an assembly may have a relevant impact on persons in the vicinity of the assembly if (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or (b) it may cause such persons to suffer alarm or distress. (2E) In considering for the purposes of [ss] (1)(ab)(ii) whether the noise generated by persons taking part in an assembly may have a significant impact on persons in the vicinity of the assembly, the [SPO] must have regard to (a) the likely number of persons of the kind mentioned in [para] (a) of [ss] (2D) who may experience an impact of the kind mentioned in [para] (a) or (b) of that [ss], (b) the likely duration of that impact on such persons, and (c) the likely intensity of that impact on such persons. (3) A direction given by virtue of [ss] (2)(b) or (2ZB) shall be given in writing. (4) Subject to [ss] (5A), a person who organises a public assembly and fails to comply with a condition imposed under this [s] is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control. (5) Subject to [ss] (5A), a person] who takes part in a public assembly and fails to comply with a condition imposed under this [s] is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control. (5A) A person is guilty of an offence under [ss] (4) or (5) only if (a) in the case of a public assembly in [E&W], at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed; (b) in the case of a public assembly in Scotland, the person knowingly fails to comply with the condition. (6) A person who incites another to commit an offence under [ss] (5) is guilty of an offence. (8) A person guilty of an offence under [ss] (4) is liable on [SC] (a) in the case of a public assembly in [E & W], to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 [] or both; (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both. (9) A person guilty of an offence under [ss] (5) is liable on [SC] (a) in the case of a public assembly in [E & W], to a fine not exceeding level 4 []; (b) in the case of a public assembly in Scotland, to a fine not exceeding level 3 []. (10) A person guilty of an offence under [ss] (6) is liable on [SC] (a) in the case of a public assembly in [E&W], to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 [] or both; (b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both. (10A) *In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: [E&W]), the references in [ss] (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.* (11) The [SS] may by regulations amend any of [ss] (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this [s] of (a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public assembly, or (b) serious disruption to the life of the community. (12) Regulations under [ss] (11) may, in particular, amend any of those [ss] for the purposes of

(a) defining any aspect of an expression mentioned in [ss] (11)(a) or (b) for the purposes of this [s]; (b) giving examples of cases in which a public assembly is or is not to be treated as resulting in (i) serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly, or (ii) serious disruption to the life of the community. (13) *Regulations under [ss] (11) (a) are to be made by [SI]; (b) may apply only in relation to public assemblies in [E&W]; (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part. (14) A [SI] containing regulations under [ss] (11) may not be made unless a draft of the [SI] has been laid before and approved by a resolution of each House of Parliament.*

**14ZA. Imposing conditions on one-person protests.** (1) [Ss] (2) applies if the [SPO], having regard to the time or place at which and the circumstances in which any one-person protest in [E&W] is being carried on or is intended to be carried on, reasonably believes (a) that the noise generated by the person carrying on the protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest, or (b) that (i) the noise generated by the person carrying on the protest may have a relevant impact on persons in the vicinity of the protest, and (ii) that impact may be significant. (2) The [SPO] may give directions imposing on the person organising or carrying on the protest such conditions as appear to the officer necessary to prevent such disruption or impact. (3) Where the one-person protest is moving, or is intended to move, from place to place (a) the senior police officer must also have regard under [ss] (1) to its route or proposed route, and (b) the conditions which may be imposed under [ss] (2) include conditions as to the route of the protest or prohibiting the person carrying on the protest from entering any public place specified in the direction while the person is carrying it on. (4) In this [s] “one-person protest” means a protest which, at any one time, is carried on by one person in a public place. (5) In this [s] “the [SPO]” means (a) in relation to a one-person protest being held or to a one-person protest intended to be held in a case where a person is in a place with a view to carrying on such a protest, the most senior in rank of the [POs] present at the scene, and (b) in relation to a one-person protest intended to be held in a case where [para] (a) does not apply, the [CPO]. This is subject to [ss] (5A) and 5B. (5A) The reference in [ss] (5)(a) to a [PO] includes (a) a constable of the [BTP] Force, in relation to a one-person protest (i) being held at a place within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or (ii) intended to be held at a place within [sub-para] (i) in a case where a person is in that place with a view to carrying on such a protest; (b) a member of the [MOD] Police, in relation to a one-person protest (i) being held at a place to which [s] 2(2) of the [MOD] Police Act 1987 applies, or (ii) intended to be held at a place within [sub-para] (i) in a case where a person is in that place with a view to carrying on such a protest. (5B) The reference in [ss] (5)(b) to a [COP] includes (a) the [CC] of the [BTP] Force, in relation to a one-person protest intended to be held at a place within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within [ss] (5A)(a)(ii); (b) the [CC] of the [MOD] Police, in relation to a one-person protest intended to be held at a place to which [s] 2(2) of the [MOD] Police Act 1987 applies, other than a one-person protest within [ss] (5A)(b)(ii). (6) For the purposes of [ss] (1)(a), the cases in which the noise generated by a person taking part in a one-person protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them. (7) For the purposes of [ss] (1)(b)(i), the noise generated by a person carrying on a one-person protest may have a relevant impact on persons in the vicinity of the protest if (a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or (b) it may cause such persons to suffer alarm or distress. (8) In considering for the purposes of [ss] (1)(b)(ii) whether the noise generated by a person carrying on a one-person protest may have a significant impact on persons in the vicinity of the protest, the [SPO] must have regard to (a) the likely number of persons of the kind mentioned in [para] (a) of [ss] (7) who may experience an impact of the kind mentioned in [para] (a) or (b) of that [ss], (b) the likely duration of that impact on such persons, and (c) the likely intensity of that impact on such persons. (9) A direction given by virtue of [ss] (5)(b) or 5(B) must be given in writing. (10) A person (“P”) is guilty of an offence if (a) P organises or carries on a one-person protest, (b) P fails to comply with a condition imposed under this [s], and (c) at the time P fails to comply with the condition, P knows or ought to know that the condition has been imposed. (11) It is a defence for a person charged with an offence under [ss] (10) to prove that the failure arose from circumstances beyond the person’s control. (12) A person who incites another to commit an offence under [ss] (10) is guilty of an offence. (13) A person guilty of an offence under [ss] (10) is liable on [SC] to a fine not exceeding level 4 []. (14) A person guilty of an offence under [ss] (12) is liable on [SC] to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 [] or both. (15) *In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: [E&W]), the reference in [ss] (14) to 51 weeks is to be read as a reference to 6 months. (spent)* (16) The [SS] may by regulations amend [ss] (6) for the purposes of making provision about the meaning for the purposes of this [s] of serious disruption to the activities of an organisation which are carried on in the vicinity of a one-person protest. (17) *Regulations under [ss] (16) may, in particular, amend that [ss] for the purposes of (a) defining any aspect of that expression for the purposes of this [s]; (b) giving examples of cases in which a one-person protest is or is not to be treated as resulting in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest. (18) Regulations under [ss] (16) (a) are to be made by [SI]; (b) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part. (19) A [SI] containing regulations under [ss] (16) may not be made unless a draft of the [SI] has been laid before and approved by a resolution of each House of Parliament.*

**14A. Prohibiting trespassory assemblies.** (1) If at any time the [COP] reasonably believes that an assembly is intended to be held in any district at a place on land to which the public has no right of access or only a limited right of access and that the assembly (a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public’s right of access, and (b) may result (i) in serious disruption to the life of the community, or (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument, he may apply to the council of the district for an order prohibiting for a specified period the holding of all trespassory assemblies in the district or a part of it, as specified. (2) On receiving such an application, a council may (a) in [E&W], with the consent of the [SS] make an order either in the

terms of the application or with such modifications as may be approved by the [SS]; or (b) in Scotland, make an order in the terms of the application. (3) [ss] (1) does not apply in the City of London or the metropolitan police district. (4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that an assembly is intended to be held at a place on land to which the public has no right of access or only a limited right of access in his police area and that the assembly (a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and (b) may result (i) in serious disruption to the life of the community, or (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument, he may with the consent of the [SS] make an order prohibiting for a specified period the holding of all trespassory assemblies in the area or a part of it, as specified. (4A) [Ss] (4D) applies if at any time the [CC] of the [BTP] Force reasonably believes that (a) an assembly is intended to be held at a place (i) within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, and (ii) on land to which the public has no right of access or only a limited right of access, and (b) the conditions in [ss] (4B) and (4C) are met. (4B) The condition in this [ss] is that the assembly is likely (a) to be held without the permission of the occupier of the land, or (b) to conduct itself in such a way as to exceed (i) the limits of any permission of the occupier, or (ii) the limits of the public's right of access. (4C) The condition in this [ss] is that the assembly may result (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003), (b) in serious disruption to the life of the community, or (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument. (4D) Where this [ss] applies, the [CC] of the [BTP] Force may with the consent of the relevant national authority make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area. (4E) An area specified in an order under [ss] (4D) must comprise only (a) the place mentioned in [ss] (4A)(a), or (b) that place together with any place (i) within [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway. (4F) In [ss] (4D) "the relevant national authority" means (a) in relation to an area in [E&W], the [SS]; (b) in relation to an area in Scotland, the Scottish Ministers. (4G) [Ss] (4J) applies if at any time the [CC] of the [MOD] Police reasonably believes that (a) an assembly is intended to be held at a place (i) to which [s] 2(2) of the [MOD] Police Act 1987 applies, and (ii) on land to which the public has no right of access or only a limited right of access, and (b) the conditions in [ss] (4H) and (4I) are met. (4H) The condition in this [ss] is that the assembly is likely (a) to be held without the permission of the occupier of the land, or (b) to conduct itself in such a way as to exceed (i) the limits of any permission of the occupier, or (ii) the limits of the public's right of access. (4I) The condition in this [ss] is that the assembly may result (a) in serious disruption to the use for a defence purpose of (i) a place within [s] 2(2)(a) to (c) of the [MOD] Police Act 1987, (ii) a place within [s] 4(1) of the Atomic Weapons Establishment Act 1991, or (iii) in relation to a time after the coming into force of [s] 5 of the Defence Reform Act 2014, a place within [ss] (1) of that [s], (b) in serious disruption to the life of the community, or (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument. (4J) Where this [ss] applies, the [CC] of the [MOD] Police may with the consent of the [SS] make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area. (4K) An area specified in an order under [ss] (4J) which is not made in reliance on [ss](4I)(a) must comprise only one or more places to which [s] 2(2) of the [MOD] Police Act 1987 applies. (5) An order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which (a) is held on land to which the public has no right of access or only a limited right of access, and (b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access. (6) No order under this [s] shall prohibit the holding of assemblies for a period exceeding 4 days or in an area exceeding an area represented by a circle with a radius of 5 miles from a specified centre. (7) An order made under this [s] may be revoked or varied by a subsequent order made in the same way, that is, in accordance with [ss] (1) and (2) [ss] (4), [ss] (4D) or [ss] (4J), as the case may be. (8) Any order under this [s] shall, if not made in writing, be recorded in writing as soon as practicable after being made. (9) In this [s] and sections 14B and 14C "assembly" means an assembly of 20 or more persons; "land" means land in the open air; "limited", in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions; "occupier" means (a) in [E&W], the person entitled to possession of the land by virtue of an estate or interest held by him; or (b) in Scotland, the person lawfully entitled to natural possession of the land, and in [ss] (1), (4), (4B) and (4H) includes the person reasonably believed by the authority applying for or making the order to be the occupier; "public" includes a section of the public; and "specified" means specified in an order under this [s]. (9A) In relation to Scotland, the references in this [s] to the public's rights (or limited right) of access do not include any right which the public or any member of the public may have by way of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2). (10) *In relation to Scotland, the references in [ss] (1) above to a district and to the council of the district shall be construed (a) as respects applications before 1st April 1996, as references to the area of a regional or islands authority and to the authority in question; and (b) as respects applications on and after that date, as references to a local government area and to the council for that area.* (11) *In relation to Wales, the references in [ss] (1) above to a district and to the council of the district shall be construed, as respects applications on and after 1st April 1996, as references to a county or county borough and to the council for that county or county borough.* (spent) \*\*

**S 14B. Offences in connection with trespassory assemblies and arrest therefor.** (1) A person who organises an assembly the holding of which he knows is prohibited by an order under [s] 14A is guilty of an offence. (2) A person who takes part in an assembly which he knows is prohibited by an order under [s] 14A is guilty of an offence. (3) In [E&W], a person who incites another to commit an offence under [ss] (2) is guilty of an offence. (5) A person guilty of an offence under [ss] (1) is liable on [SC] to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [ ] or both. (6) A person guilty of an offence under [ss] (2) is liable on [SC] to a fine not exceeding level 3 [ ]. (7) A person guilty of an offence under [ss] (3) is liable on [SC] to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [ ] or

both (8) [ss] (3) above is without prejudice to the application of any principle of Scots Law as respects art and part guilt to such incitement as is mentioned in that [ss].

S 14C. **Stopping persons from proceeding to trespassory assemblies.** (1) If a [PO] in uniform reasonably believes that a person is on his way to an assembly within the area to which an order under [s] 14A applies which the [PO] reasonably believes is likely to be an assembly which is prohibited by that order, he may, subject to [ss] (2) below (a) stop that person, and (b) direct him not to proceed in the direction of the assembly. (2) The power conferred by [ss] (1) may only be exercised within the area to which the order applies. (3) A person who fails to comply with a direction under [ss] (1) which he knows has been given to him is guilty of an offence. (5) *A person guilty of an offence under [ss] (3) is liable on [SC] to a fine not exceeding level 3 [].* (1) The [COP] may delegate, to such extent and subject to such conditions as he may specify, any of his functions under sections 12 to 14A to an assistant [CC]; and references in those sections to the person delegating shall be construed accordingly. (2) [ss] (1) has effect (a) in the City of London as if “*an assistant [CC]*” read “*an assistant commissioner of police or a commander*”, and (b) in the metropolitan police district as if “*an assistant [CC]*” read “*an assistant commissioner of police, a deputy assistant commissioner of police or a commander*”. (3) The [CC] of the [BTP] Force may delegate, to such extent and subject to such conditions as the [CC] may specify, any of the [CC’s] functions under sections 14 to 14A to an assistant [CC] of that Force; and references in those sections to the person delegating shall be construed accordingly. (4) The [CC] of the [MOD] Police may delegate, to such extent and subject to such conditions as the [CC] may specify, any of the [CC’s] functions under sections 14 to 14A to a deputy [CC] or assistant [CC] of that force; and references in those sections to the person delegating shall be construed accordingly. In this Part “*the City of London*” means the City as defined for the purposes of the Acts relating to the City of London police; “*the metropolitan police district*” means that district as defined in [s] 76 of the London Government Act 1963; “*public assembly*” means an assembly of 20 [ ] 2 or more persons in a public place which is wholly or partly open to the air; “*public place*” means (a) any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984, and (b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; “*public procession*” means a procession in a public place.

S 15. **Delegation.** (1) The [CPO] may delegate, to such extent and subject to such conditions as he may specify, any of his functions under sections 12 to 14A to an assistant [CC]; and references in those sections to the person delegating shall be construed accordingly. (2) [Ss] (1) has effect (a) in the City of London as if “*an assistant [CC]*” read “*an assistant commissioner of police or a commander*”, and (b) in the metropolitan police district as if “*an assistant [CC]*” read “*an assistant commissioner of police, a deputy assistant commissioner of police or a commander*”. (3) The [CC] of the [BTP] Force may delegate, to such extent and subject to such conditions as the [CC] may specify, any of the [CC’s] functions under sections 14 to 14A to an assistant [CC] of that Force; and references in those sections to the person delegating shall be construed accordingly. (4) The [CC] of the [MOD] Police may delegate, to such extent and subject to such conditions as the [CC] may specify, any of the [CC’S] functions under sections 14 to 14A to a deputy [CC] or assistant [CC] of that force; and references in those sections to the person delegating shall be construed accordingly.

S 16. **Interpretation.** In this Part “*the City of London*” means the City as defined for the purposes of the Acts relating to the City of London police; “*the [MPD]*” means that district as defined in [s] 76 of the London Government Act 1963; “*public assembly*” means an assembly of 20 or more persons in a public place which is wholly or partly open to the air; “*public place*” means (a) any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984, and (b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; “*public procession*” means a procession in a public place.

S 17. **Meaning of “religious hatred”.** In this Part “*religious hatred*” means hatred against a group of persons defined by reference to religious belief or lack of religious belief.

S 18. **Use of words or behaviour or display of written material.** (1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if (a) he intends thereby to stir up racial hatred, or (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby. (2) An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling. (4) In proceedings for an offence under this [s] it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling. (5) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this [s] if he did not intend his words or behaviour, or the written material, to be, and was not aware that it might be, threatening, abusive or insulting. (6) This [s] does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme included in a programme service.

S 19. **Publishing or distributing written material.** (1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if (a) he intends thereby to stir up racial hatred, or (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby. (2) In proceedings for an offence under this [s] it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting. (3) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

S 20. **Public performance of play.** (1) If a public performance of a play is given which involves the use of threatening, abusive or insulting words or behaviour, any person who presents or directs the performance is guilty of an offence if (a) he intends thereby to stir up racial hatred, or (b) having regard to all the circumstances (and, in particular, taking the performance as a whole) racial hatred is likely to be stirred up thereby. (2) If a person presenting or directing the performance is not shown to have intended to stir up racial hatred, it is a defence for him to prove (a) that

he did not know and had no reason to suspect that the performance would involve the use of the offending words or behaviour, or (b) that he did not know and had no reason to suspect that the offending words or behaviour were threatening, abusive or insulting, or (c) that he did not know and had no reason to suspect that the circumstances in which the performance would be given would be such that racial hatred would be likely to be stirred up. (3) This [s] does not apply to a performance given solely or primarily for one or more of the following purposes (a) rehearsal, (b) making a recording of the performance, or (c) enabling the performance to be included in a programme service; but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in [para] (b) or (c), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purposes mentioned above. (4) For the purposes of this [s] (a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer, (b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and (c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance; and a person shall not be treated as aiding or abetting the commission of an offence under this [s] by reason only of his taking part in a performance as a performer. (5) In this [s] "play" and "public performance" have the same meaning as in the Theatres Act 1968. (6) The following provisions of the Theatres Act 1968 apply in relation to an offence under this [s] as they apply to an offence under [s] 2 of that Act [s] 9 (*script as evidence of what was performed*), [s] 10 (*power to make copies of script*), [s] 15 (*powers of entry and inspection*).

**S 21. Distributing, showing or playing a recording.** (1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence if (a) he intends thereby to stir up racial hatred, or (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby. (2) In this Part "recording" means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public. (3) In proceedings for an offence under this [s] it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting. (4) This [s] does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be included in a programme service.

**S 22. Broadcasting or including programme in cable programme service.** (1) If a programme involving threatening, abusive or insulting visual images or sounds is included in a programme service, each of the persons mentioned in [ss] (2) is guilty of an offence if (a) he intends thereby to stir up racial hatred, or (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby. (2) The persons are (a) the person providing the programme service, (b) any person by whom the programme is produced or directed, and (c) any person by whom offending words or behaviour are used. (3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up racial hatred, it is a defence for him to prove that (a) he did not know and had no reason to suspect that the programme would involve the offending material, and (b) having regard to the circumstances in which the programme was included in a programme service, it was not reasonably practicable for him to secure the removal of the material. (4) It is a defence for a person by whom the programme was produced or directed who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect (a) that the programme would be included in a programme service, or (b) that the circumstances in which the programme would be so included would be such that racial hatred would be likely to be stirred up. (5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect (a) that a programme involving the use of the offending material would be included in a programme service, or (b) that the circumstances in which a programme involving the use of the offending material would be so included, or in which a programme so included would involve the use of the offending material, would be such that racial hatred would be likely to be stirred up. (6) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this [s] if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.

**S 23. Possession of racially inflammatory material.** (1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to (a) in the case of written material, its being displayed, published, distributed, or included in a cable programme service, whether by himself or another, or (b) in the case of a recording, its being distributed, shown, played, or included in a cable programme service, whether by himself or another, is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby. (2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, or inclusion in a programme service as he has, or it may reasonably be inferred that he has, in view. (3) In proceedings for an offence under this [s] it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

**S 24. Powers of entry and search.** (1) If in [E&W] a [JP] is satisfied by information on oath laid by a [PO] that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of [s] 23, the justice may issue a warrant under his hand authorising any [PO] to enter and search the premises where it is suspected the material or recording is situated. (2) If in Scotland a sheriff or [JP] is satisfied by evidence on oath that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of [s] 23, the sheriff or [JP] may issue a warrant authorising any [PO] to enter and search the premises where it is suspected the material or recording is situated. (3) A [PO] entering or searching premises in pursuance of a warrant issued under this [s] may use reasonable force if necessary. (4) In this [s] "premises" means any place and, in particular, includes (a) any vehicle, vessel, aircraft or

hovercraft, (b) any offshore installation as defined in [s] 1(3) (b) of the Mineral Workings (Offshore Installations) Act 1971, and (c) any tent or movable structure. \*

S 25. **Power to order forfeiture.** (1) A court by or before which a person is convicted of (a) an offence under [s] 18 relating to the display of written material, or (b) an offence under [s] 19, 21 or 23, an offence under [s] 23 shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates. (2) An order made under this [s] shall not take effect (a) in the case of an order made in proceedings in [E&W], until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned; (b) in the case of an order made in proceedings in Scotland, until the expiration of the time within which, by virtue of any statute, an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned. (3) For the purposes of [ss] (2)(a) (a) an application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and (b) where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned. (4) For the purposes of [ss] (2)(b) the lodging of an application for a stated case or note of appeal against sentence shall be treated as the institution of an appeal. \*

S 26. **Savings for reports of parliamentary or judicial proceedings.** (1) Nothing in this Part applies to a fair and accurate report of proceedings in Parliament or in the Scottish Parliament or in the National Assembly for Wales (2) Nothing in this Part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

S 27. **Procedure and punishment.** (1) No proceedings for an offence under this Part may be instituted in [E&W] except by or with the consent of the [A-G]. (2) For the purposes of the rules in [E&W] against charging more than one offence in the same count or information, each of sections 18 to 23 creates one offence. (3) A person guilty of an offence under this Part is liable (a) on conviction on indictment to imprisonment for a term not exceeding [7] years or a fine or both; (b) on [SC] to imprisonment for a term not exceeding [6] months or a fine not exceeding the statutory maximum or both. \*

S 28. **Offences by corporations.** (1) Where a body corporate is guilty of an offence under this Part and it is shown that the offence was committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly. (2) Where the affairs of a body corporate are managed by its members, [ss] (1) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director. \*

S 29. **Interpretation.** In this Part “*distribute*”, and related expressions, shall be construed in accordance with [s] 19(3) (*written material*) and [s] 21(2) (*recordings*); “*dwelling*” means any structure or part of a structure occupied as a person’s home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “*structure*” includes a tent, caravan, vehicle, vessel or other temporary or movable structure; “*programme*” means any item which is included in a programme service; “*programme service*” has the same meaning as in the Broadcasting Act 1990; “*publish*”, and related expressions, in relation to written material, shall be construed in accordance with [s] 19 (3); “*racial hatred*” has the meaning given by [s] 17; “*recording*” has the meaning given by [s] 21(2), and “*play*” and “*show*”, and related expressions, in relation to a recording, shall be construed in accordance with that provision; “*recording*” means any record from which visual images or sounds may, by any means, be reproduced; “*written material*” includes any sign or other visible representation.

S 29A. **Meaning of “religious hatred”.** In this Part “*religious hatred*” means hatred against a group of persons defined by reference to religious belief or lack of religious belief.<sup>75</sup>

29AB. **Meaning of “hatred on the grounds of sexual orientation”** In this Part “*hatred on the grounds of sexual orientation*” means hatred against a group of persons defined by reference to sexual orientation (whether towards persons of the same sex, the opposite sex or both).

29B. **Use of words or behaviour or display of written material.** (1) A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) An offence under this [s] may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling. (4) In proceedings for an offence under this [s] it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling. (5) This [s] does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme service.<sup>76</sup>

<sup>75</sup> These, up to 29G should be incorporated into the similar crimes relating to racial hatred (ss 17 *et seq*).

<sup>76</sup> *Ibid*.



29C. **Publishing or distributing written material.** (1) A person who publishes or distributes written material which is threatening is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.<sup>77</sup>

29D. **Public performance of play.** (1) If a public performance of a play is given which involves the use of threatening words or behaviour, any person who presents or directs the performance is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) This [s] does not apply to a performance given solely or primarily for one or more of the following purposes (a) rehearsal, (b) making a recording of the performance, or (c) enabling the performance to be included in a programme service; but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in [para] (b) or (c), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purpose mentioned above. (3) For the purposes of this [s] (a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer, (b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and (c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance; and a person shall not be treated as aiding or abetting the commission of an offence under this [s] by reason only of his taking part in a performance as a performer. (4) In this [s] "play" and "public performance" have the same meaning as in the Theatres Act 1968. (5) The following provisions of the Theatres Act 1968 apply in relation to an offence under this [s] as they apply to an offence under [s] 2 of that Act [s] 9 (script as evidence of what was performed), [s] 10 (power to make copies of script), [s] 15 (powers of entry and inspection).<sup>78</sup>

29E. **Distributing, showing or playing a recording.** (1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) In this Part "recording" means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public. (3) This [s] does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be included in a programme service.<sup>79</sup>

29F. **Broadcasting or including programme in programme service.** (1) If a programme involving threatening visual images or sounds is included in a programme service, each of the persons mentioned in [ss] (2) is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) The persons are (a) the person providing the programme service, (b) any person by whom the programme is produced or directed, and (c) any person by whom offending words or behaviour are used.<sup>80</sup>

29G. **Possession of inflammatory material.** (1) A person who has in his possession written material which is threatening, or a recording of visual images or sounds which are threatening, with a view to (a) in the case of written material, its being displayed, published, distributed, or included in a programme service whether by himself or another, or (b) in the case of a recording, its being distributed, shown, played, or included in a programme service, whether by himself or another, is guilty of an offence if he intends thereby to stir up religious hatred or hatred on the grounds of sexual orientation. (2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, or inclusion in a programme service as he has, or it may reasonably be inferred that he has, in view.<sup>81</sup>

29H. **Powers of entry and search.** (1) If a [JP] is satisfied by information on oath laid by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of [s] 29G, the justice may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated. (3) A constable entering or searching premises in pursuance of a warrant issued under this [s] may use reasonable force if necessary. (4) In this [s] "premises" means any place and, in particular, includes (a) any vehicle, vessel, aircraft or hovercraft, (b) any offshore installation as defined in [s] 12 of the Mineral Workings (Offshore Installations) Act 1971, and (c) any tent or movable structure. \*

29I. **Power to order forfeiture.** (1) A court by or before which a person is convicted of (a) an offence under [s] 29B relating to the display of written material, or (b) an offence under [s] 29C, 29E or 29G, shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates. (2) An order made under this [s] shall not take effect (a) until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned; (3) For the purposes of [ss] (2)(a) (a) an application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and (b) where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned. \*

29J. **Protection of freedom of expression.** Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

29JA. **Protection of freedom of expression (sexual orientation).** (1) In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred. (2) In this Part, for the avoidance of doubt, any discussion or criticism of marriage which concerns the sex of the parties to marriage shall not be taken of itself to be threatening or intended to stir up hatred

29K. **Savings for reports of parliamentary or judicial proceedings.** (1) Nothing in this Part applies to a fair and accurate report of proceedings in Parliament, in the Scottish Parliament or in the National Assembly for Wales. (2) Nothing in this Part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

29L. **Procedure and punishment.** (1) *No proceedings for an offence under this Part may be instituted except by or with the consent of the [A-G].* (2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 29B to 29G creates one offence. (3) *A person guilty of an offence under this Part is liable (a) on conviction on indictment to imprisonment for a term not exceeding [7] years or a fine or both; (b) on [SC] to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both. (4) In [ss] (3)(b) the reference to 12 months shall be read as a reference to 6 months in relation to an offence committed before 2 May 2022.*

29M. **Offences by corporations.** (1) *Where a body corporate is guilty of an offence under this Part and it is shown that the offence was committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly. (2) Where the affairs of a body corporate are managed by its members, [ss] (1) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director. \**

29N. **Interpretation.** In this Part “*distribute*”, and related expressions, shall be construed in accordance with [s] 29C(2) (*written material*) and [s] 29E(2) (*recordings*); “*dwelling*” means any structure or part of a structure occupied as a person’s home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose “*structure*” includes a tent, caravan, vehicle, vessel or other temporary or movable structure; “*hatred on the grounds of sexual orientation*” has the meaning given by [s] 29AB; “*programme*” means any item which is included in a programme service; “*programme service*” has the same meaning as in the Broadcasting Act 1990; “*publish*”, and related expressions, in relation to written material, shall be construed in accordance with [s] 29C(2); “*religious hatred*” has the meaning given by [s] 29A; “*recording*” has the meaning given by [s] 29E(2), and “*play*” and “*show*”, and related expressions, in relation to a recording, shall be construed in accordance with that provision; “*written material*” includes any sign or other visible representation.

### **Crime and Disorder Act 1998**

S 28. **Meaning of “racially or religiously aggravated”.** (1) An offence is racially or religiously aggravated for the purposes of [ss] 29 to 32 below if (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial or religious group; or (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group. (2) In [ss] (1)(a) above “*membership*”, in relation to a racial or religious group, includes association with members of that group; “*presumed*” means presumed by the offender. (3) It is immaterial for the purposes of [para] (a) or (b) of [ss] (1) above whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in that [para]. (4) In this [s] “*racial group*” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins. (5) In this [s] “*religious group*” means a group of persons defined by reference to religious belief or lack of religious belief.

S 29. **Racially or religiously aggravated assaults.** (1) *A person is guilty of an offence under this [s] if he commits (a) an offence under [s] 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm); (b) an offence under [s] 47 of that Act (actual bodily harm); (ba) an offence under [s] 75A of the Serious Crime Act 2015 (strangulation or suffocation); or (c) common assault, which is racially or religiously aggravated for the purposes of this [s]. (2) A person guilty of an offence falling within [ss] (1)(a), (b) or (ba) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [7] years or to a fine, or to both. (3) A person guilty of an offence falling within [ss] (1)(c) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine, or to both.*<sup>82</sup>

S 30. **Racially or religiously aggravated criminal damage.** (1) *A person is guilty of an offence under this [s] if he commits an offence under [s] 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially or religiously aggravated for the purposes of this [s]. (2) A person guilty of an offence under this [s] shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [14] years or to a fine, or to both. (3) For the purposes of this [s], [s] 28(1)(a) above shall have effect as if the person to whom the property belongs or is treated as belonging for the purposes of that Act were the victim of the offence.*<sup>83</sup>

<sup>82</sup> This should go in a Crimes against the Person Act.

<sup>83</sup> Ibid, in a Property and Finance Crimes Act.

S 31. **Racially or religiously aggravated public order offences.** (1) A person is guilty of an offence under this [s] if he commits (a) an offence under [s] 4 of the Public Order Act 1986 (*fear or provocation of violence*); (b) an offence under [s] 4A of that Act (intentional harassment, alarm or distress); or (c) an offence under [s] 5 of that Act (*harassment, alarm or distress*), which is racially or religiously aggravated] for the purposes of this [s]. (4) A person guilty of an offence falling within [ss] (1)(a) or (b) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine, or to both. (5) A person guilty of an offence falling within [ss] (1)(c) above shall be liable on [SC] to a fine not exceeding level 4 [ ]. (6) If, on the trial on indictment of a person charged with an offence falling within [ss] (1)(a) or (b) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision. (7) For the purposes of [ss] (1)(c) above, [s] 28(1)(a) above shall have effect as if the person likely to be caused harassment, alarm or distress were the victim of the offence.

S 32. **Racially or religiously aggravated harassment etc.** (1) *A person is guilty of an offence under this [s] if he commits (a) an offence under [s] 2 or 2A of the Protection from Harassment Act 1997 (offences of harassment and stalking); or (b) an offence under [s] 4 or 4A of that Act (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress), which is racially or religiously aggravated for the purposes of this [s].* (3) A person guilty of an offence falling within [ss] (1)(a) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine, or to both. (4) A person guilty of an offence falling within [ss] (1)(b) above shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or to a fine, or to both. (5) If, on the trial on indictment of a person charged with an offence falling within [ss] (1)(a) above, the jury find him not guilty of the offence charged, they may find him guilty of either basic offence mentioned in that provision. (6) If, on the trial on indictment of a person charged with an offence falling within [ss] (1)(b) above, the jury find him not guilty of the offence charged, they may find him guilty of an offence falling within [ss] (1)(a) above.<sup>84</sup>

### **Appendix 3**

#### **Criminal Law Act 1977**

S 6. **Violence for securing entry.** (1) Subject to the following provisions of this [s], any person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any premises for himself or for any other person is guilty of an offence, provided that (a) there is someone present on those premises at the time who is opposed to the entry which the violence is intended to secure; and (b) the person using or threatening the violence knows that that is the case. (1A) [ss] (1) above does not apply to a person who is a displaced residential occupier or a protected intending occupier of the premises in question or who is acting on behalf of such an occupier; and if the accused adduces sufficient evidence that he was, or was acting on behalf of, such an occupier he shall be presumed to be, or to be acting on behalf of, such an occupier unless the contrary is proved by the prosecution. (2) Subject to [ss] (1A) above, the fact that a person has any interest in or right to possession or occupation of any premises shall not for the purposes of [ss] (1) above constitute lawful authority for the use or threat of violence by him or anyone else for the purpose of securing his entry into those premises. (4) It is immaterial for the purposes of this [s] (a) whether the violence in question is directed against the person or against property; and (b) whether the entry which the violence is intended to secure is for the purpose of acquiring possession of the premises in question or for any other purpose. (5) A person guilty of an offence under this [s] shall be liable on summary conviction to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [ ] or to both. (7) [S] 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises and [s] 12A below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.

S 7. **Adverse occupation of residential premises.** (1) Subject to the following provisions of this [s] and to [s] 12A(9) below, any person who is on any premises as a trespasser after having entered as such is guilty of an offence if he fails to leave those premises on being required to do so by or on behalf of (a) a displaced residential occupier of the premises; or (b) an individual who is a protected intending occupier of the premises. (2) In any proceedings for an offence under this [s] it shall be a defence for the accused to prove that he believed that the person requiring him to leave the premises was not a displaced residential occupier or protected intending occupier of the premises or a person acting on behalf of a displaced residential occupier or protected intending occupier. (3) In any proceedings for an offence under this [s] it shall be a defence for the accused to prove (a) that the premises in question are or form part of premises used mainly for non-residential purposes; and (b) that he was not on any part of the premises used wholly or mainly for residential purposes. (4) Any reference in the preceding provisions of this [s] to any premises includes a reference to any access to them, whether or not any such access itself constitutes premises, within the meaning of this Part of this Act. (5) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [ ] or to both. (7) [S] 12 below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a displaced residential occupier of any premises or of any access to any premises and [s] 12A below contains provisions which apply for determining when any person is to be regarded for the purposes of this Part of this Act as a protected intending occupier of any premises or of any access to any premises.

S 8. **Trespassing with a weapon of offence.** (1) A person who is on any premises as a trespasser, after having entered as such, is guilty of an offence if, without lawful authority or reasonable excuse, he has with him on the premises any weapon of offence. (2) In [ss] (1) above “*weapon*

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<sup>84</sup> Ibid, in a Crimes against the Person Act.

*of offence*” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use. (3) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 [] or to both.

S 9. **Trespassing on premises of foreign missions, etc.** (1) Subject to [ss] (3) below, a person who enters or is on any premises to which this [s] applies as a trespasser is guilty of an offence. (2) This [s] applies to any premises which are or form part of (a) the premises of a diplomatic mission within the meaning of the definition in [Art] 1(i) of the Vienna Convention on Diplomatic Relations signed in 1961 as that Article has effect in the [UK] by virtue of [s] 2 of and [Sch] 1 to the Diplomatic Privileges Act 1964; (aa) the premises of a closed diplomatic mission; (b) consular premises within the meaning of the definition in [para] 1(j) of [Art] 1 of the Vienna Convention on Consular Relations signed in 1963 as that [Art] has effect in the [UK] by virtue of [s] 1 of and [sch] 1 to the Consular Relations Act 1968; (bb) the premises of a closed consular post; (c) any other premises in respect of which any organisation or body is entitled to inviolability by or under any enactment; and (d) any premises which are the private residence of a diplomatic agent (within the meaning of [Art] 1(e) of the Convention mentioned in [para] (a) above) or of any other person who is entitled to inviolability of residence by or under any enactment. (2A) In [ss] (2) above “*the premises of a closed diplomatic mission*” means premises which fall within [Art] 45 of the Convention mentioned in [ss] (2)(a) above (as that Article has effect in the [UK] by virtue of the [s] and [Sch] mentioned in that [para]); and “*the premises of a closed consular post*” means premises which fall within [art] 27 of the Convention mentioned in [ss] (2)(b) above (as that [art] has effect in the [UK] by virtue of the [s] and [Sch] mentioned in that [para]); (3) In any proceedings for an offence under this [s] it shall be a defence for the accused to prove that he believed that the premises in question were not premises to which this [s] applies. (4) In any proceedings for an offence under this [s] a certificate issued by or under the authority of the [SS] stating that any premises were or formed part of premises of any description mentioned in [para] (a) to (d) of [ss] (2) above at the time of the alleged offence shall be conclusive evidence that the premises were or formed part of premises of that description at that time. (5) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or to both. (6) *Proceedings for an offence under this [s] shall not be instituted against any person except by or with the consent of the [AG].* \*

S 10. **Obstruction of enforcement officers and court officers executing High Court or county court process.** (A1) A person is guilty of an offence if he resists or intentionally obstructs any person who (a) is an enforcement officer, or is acting under the authority of an enforcement officer; and (b) is engaged in executing a writ issued from the High Court. (1) Without prejudice to [s] 8(2) of the Sheriffs Act 1887 but subject to the following provisions of this [s], a person is guilty of an offence if he resists or intentionally obstructs any person who is in fact an officer of a court engaged in executing any process issued by the High Court or the county court for the purpose of enforcing any judgment or order for the recovery of any premises or for the delivery of possession of any premises. (2) [ss] (1) above does not apply unless the judgment or order in question was given or made in proceedings brought under any provisions of rules of court applicable only in circumstances where the person claiming possession of any premises alleges that the premises in question are occupied solely by a person or persons (not being a tenant or tenants holding over after the termination of the tenancy) who entered into or remained in occupation of the premises without the licence or consent of the person claiming possession or any predecessor in title of his. (3) In any proceedings for an offence under this [s] it shall be a defence for the accused to prove that he believed that the person he was resisting or obstructing was not an enforcement officer, a person acting under the authority of an enforcement officer or an officer of a court (as the case may be). (4) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or to both. (5) an enforcement officer or any officer of a court may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of an offence under this [s]. (6) In this [s] “*enforcement officer*” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003; “*officer of a court*” means (a) any sheriff, under sheriff, deputy sheriff, bailiff or officer of a sheriff; and (b) any officer of the county court.

S 12. **Supplementary provisions.** (1) In this Part of this Act (a) “*premises*” means any building, any part of a building under separate occupation, any land ancillary to a building, the site comprising any building or buildings together with any land ancillary thereto, and (for the purposes only of sections 10 and 11 above) any other place; and (b) “*access*” means, in relation to any premises, any part of any site or building within which those premises are situated which constitutes an ordinary means of access to those premises (whether or not that is its sole or primary use). (2) References in this [s] to a building shall apply also to any structure other than a movable one, and to any movable structure, vehicle or vessel designed or adapted for use for residential purposes; and for the purposes of [ss] (1) above (a) part of a building is under separate occupation if anyone is in occupation or entitled to occupation of that part as distinct from the whole; and (b) land is ancillary to a building if it is adjacent to it and used (or intended for use) in connection with the occupation of that building or any part of it. (3) Subject to [ss] (4) below, any person who was occupying any premises as a residence immediately before being excluded from occupation by anyone who entered those premises, or any access to those premises, as a trespasser is a displaced residential occupier of the premises for the purposes of this Part of this Act so long as he continues to be excluded from occupation of the premises by the original trespasser or by any subsequent trespasser. (4) A person who was himself occupying the premises in question as a trespasser immediately before being excluded from occupation shall not by virtue of [ss] (3) above be a displaced residential occupier of the premises for the purposes of this Part of this Act. (5) A person who by virtue of [ss] (3) above is a displaced residential occupier of any premises shall be regarded for the purposes of this Part of this Act as a displaced residential occupier also of any access to those premises. (6) Anyone who enters or is on or in occupation of any premises by virtue of (a) any title derived from a trespasser; or (b) any licence or consent given by a trespasser or by a person deriving title from a trespasser, shall himself be treated as a trespasser for the purposes of this Part of this Act (without prejudice to whether or not he would be a trespasser apart from this provision); and references in this Part of this Act to a person’s entering or being on or occupying any premises as a trespasser shall be construed accordingly. (7) Anyone who is on any premises as a trespasser shall not cease to be a trespasser for the purposes of this Part of this Act by virtue of being allowed time to leave the premises, nor shall anyone cease to be a displaced residential occupier of any premises by virtue of any such allowance of time to a trespasser. (8)

No rule of law ousting the jurisdiction of magistrates' courts to try offences where a dispute of title to property is involved shall preclude magistrates' courts from trying offences under this Part of this Act.

**S 13. Protected intending occupiers [PIOs]: supplementary provisions.** (1) For the purposes of this Part of this Act an individual is a [PIO] of any premises at any time if at that time he falls within [ss] (2), (4) or (6) below. (2) An individual is a [PIO] of any premises if (a) he has in those premises a freehold interest or a leasehold interest with not less than [2] years still to run; (b) he requires the premises for his own occupation as a residence; (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and (d) he or a person acting on his behalf holds a written statement (i) which specifies his interest in the premises; (ii) which states that he requires the premises for occupation as a residence for himself; and (iii) with respect to which the requirements in [ss] (3) below are fulfilled. (3) The requirements referred to in [ss] (2)(d)(iii) above are (a) that the statement is signed by the person whose interest is specified in it in the presence of a [JP] or commissioner for oaths; and (b) that the [JP] or commissioner for oaths has subscribed his name as a witness to the signature. (4) An individual is also a [PIO] of any premises if (a) he has a tenancy of those premises (other than a tenancy falling within [ss] (2)(a) above or (6)(a) below) or a licence to occupy those premises granted by a person with a freehold interest or a leasehold interest with not less than [2] years still to run in the premises; (b) he requires the premises for his own occupation as a residence; (c) he is excluded from occupation of the premises by a person who entered them, or any access to them, as a trespasser; and (d) he or a person acting on his behalf holds a written statement (i) which states that he has been granted a tenancy of those premises or a licence to occupy those premises; (ii) which specifies the interest in the premises of the person who granted that tenancy or licence to occupy ("*the landlord*"); (iii) which states that he requires the premises for occupation as a residence for himself; and (iv) with respect to which the requirements in [ss] (5) below are fulfilled. (5) The requirements referred to in [ss] (4)(d)(iv) above are (a) that the statement is signed by the landlord and by the tenant or licensee in the presence of a [JP] or commissioner for oaths; (b) that the [JP] or commissioner for oaths has subscribed his name as a witness to the signatures. (6) An individual is also a [PIO] of any premises if (a) he has a tenancy of those premises (*other than a tenancy falling within [ss] (2)(a) or (4)(a) above*) or a licence to occupy those premises granted by an authority to which this [ss] applies; (b) he requires the premises for his own occupation as a residence; (c) he is excluded from occupation of the premises by a person who entered the premises, or any access to them, as a trespasser; and (d) there has been issued to him by or on behalf of the authority referred to in [para] (a) above a certificate stating that (i) he has been granted a tenancy of those premises or a licence to occupy those premises as a residence by the authority; and (ii) the authority which granted that tenancy or licence to occupy is one to which this [ss] applies, being of a description specified in the certificate. (7) [ss] (6) above applies to the following authorities (a) any body mentioned in [s] 14 of the Rent Act 1977 (*landlord's interest belonging to local authority etc.*); (b) the Regulator of Social Housing; (ba) a non-profit registered provider of social housing; (bb) a profit-making registered provider of social housing, but only in relation to premises which are social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008; and (d) a registered social landlord within the meaning of the Housing Act 1985 (see [s] 5(4) and (5) of that Act). (7A) [ss] (6) also applies to the [SS] if the tenancy or licence is granted by him under Part III of the Housing Associations Act 1985. (8) A person is guilty of an offence if he makes a statement for the purposes of [ss] (2)(d) or (4)(d) above which he knows to be false in a material particular or if he recklessly makes such a statement which is false in a material particular. (9) In any proceedings for an offence under [s] 7 of this Act where the accused was requested to leave the premises by a person claiming to be or to act on behalf of a protected intending occupier of the premises (a) it shall be a defence for the accused to prove that, although asked to do so by the accused at the time the accused was requested to leave, that person failed at that time to produce to the accused such a statement as is referred to in [ss] (2)(d) or (4)(d) above or such a certificate as is referred to in [ss] (6)(d) above; and (b) any document purporting to be a certificate under [ss] (6)(d) above shall be received in evidence and, unless the contrary is proved, shall be deemed to have been issued by or on behalf of the authority stated in the certificate. (10) A person guilty of an offence under [ss] (8) above shall be liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or to both. (11) A person who is a protected intending occupier of any premises shall be regarded for the purposes of this Part of this Act as a protected intending occupier also of any access to those premises. See also s 65 (*Citation*).

#### **Protection from Eviction Act 1977**

**S 1. Unlawful eviction and harassment of occupier.** (1) In this [s] "*residential occupier*", in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises. (2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises. (3) If any person with intent to cause the residential occupier of any premises (a) to give up the occupation of the premises or any part thereof; or (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof; does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence. (3A) Subject to [ss] (3B) below, the landlord of a residential occupier or an agent of the landlord shall be guilty of an offence if (a) he does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or (b) he persistently withdraws or withholds services reasonably required for the occupation of the premises in question as a residence, and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the residential occupier to give up the occupation of the whole or part of the premises or to refrain from exercising any right or pursuing any remedy in respect of the whole or part of the premises. (3B) A person shall not be guilty of an offence under [ss] (3A) above if he proves that he had reasonable grounds for doing the acts or withdrawing or withholding the services in question. (3C) In [ss] (3A) above "*landlord*", in relation to a residential occupier of any premises, means the person who, but for (a) the residential occupier's right to remain in occupation of the premises, or (b) a restriction on the person's right to recover possession of the premises, would be entitled to occupation of the premises and any superior landlord under whom that person derives title. (4) A person guilty of an offence under this [s] shall be liable (a) on [SC], to a fine not exceeding the prescribed sum or to

imprisonment for a term not exceeding 6 months or to both; (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both. (5) Nothing in this [s] shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.(6) Where an offence under this [s] committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

S 2. **Restriction on re-entry without due process of law.** Where any premises are let as a dwelling on a lease which is subject to a right of re-entry or forfeiture it shall not be lawful to enforce that right otherwise than by proceedings in the court while any person is lawfully residing in the premises or part of them.

S 3. **Prohibition of eviction without due process of law.** (1) Where any premises have been let as a dwelling under a tenancy which is neither a statutorily protected tenancy nor an excluded tenancy and (a) the tenancy (in this [s] referred to as the former tenancy) has come to an end, but

(b) the occupier continues to reside in the premises or part of them, it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises. (2) In this [s] “*the occupier*”, in relation to any premises, means any person lawfully residing in the premises or part of them at the termination of the former tenancy. (2A) [ss] (1) and (2) above apply in relation to any restricted contract (within the meaning of the Rent Act 1977) which (a) creates a licence; and (b) is entered into after the commencement of [s] 69 of the Housing Act 1980; as they apply in relation to a restricted contract which creates a tenancy. (2B) [ss] (1) and (2) above apply in relation to any premises occupied as a dwelling under a licence, other than an excluded licence, as they apply in relation to premises let as a dwelling under a tenancy, and in those subsections the expressions “*let*” and “*tenancy*” shall be construed accordingly. (2C) References in the preceding provisions of this [s] and [s] 4(2A) below to an excluded tenancy do not apply to (a) a tenancy entered into before the date on which the Housing Act 1988 came into force, or (b) a tenancy entered into on or after that date but pursuant to a contract made before that date,

but, subject to that, “*excluded tenancy*” and “*excluded licence*” shall be construed in accordance with [s] 3A below. (3) This [s] shall, with the necessary modifications, apply where the owner’s right to recover possession arises on the death of the tenant under a statutory tenancy within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976.

S 3A. **Excluded tenancies and licences.** (1) Any reference in this Act to an excluded tenancy or an excluded licence is a reference to a tenancy or licence which is excluded by virtue of any of the following provisions of this [s]. (2) A tenancy or licence is excluded if (a) under its terms the occupier shares any accommodation with the landlord or licensor; and (b) immediately before the tenancy or licence was granted and also at the time it comes to an end, the landlord or licensor occupied as his only or principal home premises of which the whole or part of the shared accommodation formed part. (3) A tenancy or licence is also excluded if (a) under its terms the occupier shares any accommodation with a member of the family of the landlord or licensor; (b) immediately before the tenancy or licence was granted and also at the time it comes to an end, the member of the family of the landlord or licensor occupied as his only or principal home premises of which the whole or part of the shared accommodation formed part; and (c) immediately before the tenancy or licence was granted and also at the time it comes to an end, the landlord or licensor occupied as his only or principal home premises in the same building as the shared accommodation and that building is not a purpose-built block of flats. (4) For the purposes of [ss] (2) and (3) above, an occupier shares accommodation with another person if he has the use of it in common with that person (whether or not also in common with others) and any reference in those subsections to shared accommodation shall be construed accordingly, and if, in relation to any tenancy or licence, there is at any time more than one person who is the landlord or licensor, any reference in those [ss] to the landlord or licensor shall be construed as a reference to any one of those persons. (5) In [ss] (2) to (4) above (a) “*accommodation*” includes neither an area used for storage nor a staircase, passage, corridor or other means of access; (b) “*occupier*” means, in relation to a tenancy, the tenant and, in relation to a licence, the licensee; and (c) “*purpose-built block of flats*” has the same meaning as in Part III of [sch] 1 to the Housing Act 1988; and [s] 113 of the Housing Act 1985 shall apply to determine whether a person who is for the purposes of [ss] (3) above a member of another’s family as it applies for the purposes of Part IV of that Act. (6) A tenancy or licence is excluded if it was granted as a temporary expedient to a person who entered the premises in question or any other premises as a trespasser (whether or not, before the beginning of that tenancy or licence, another tenancy or licence to occupy the premises or any other premises had been granted to him). (7) A tenancy or licence is excluded if (a) it confers on the tenant or licensee the right to occupy the premises for a holiday only; or (b) it is granted otherwise than for money or money’s worth. (7A) A tenancy or licence is excluded if it is granted in order to provide accommodation under [s] 4 or Part VI of the Immigration and Asylum Act 1999. (7D) A tenancy or licence is excluded if (a) it is a residential tenancy agreement within the meaning of Chapter 1 of Part 3 of the Immigration Act 2014, and (b) the condition in [s] 33D (2) of that Act is met in relation to that agreement. (8) A licence is excluded if it confers rights of occupation in a hostel, within the meaning of the Housing Act 1985, which is provided by (a) the council of a county, county borough, district or London Borough, the Common Council of the City of London, the Council of the Isles of Scilly, the Inner London Education Authority, a fire and rescue authority created by an order under [s] 4A of the Fire and Rescue Services Act 2004, the London Fire Commissioner, a joint authority within the meaning of the Local Government Act 1985 or a residuary body within the meaning of that Act; (aa) an economic prosperity board established under [s] 88 of the Local Democracy, Economic Development and Construction Act 2009; (ab) a combined authority established under [s] 103 of that Act; (ac) a combined county authority established under [s] 9(1) of the Levelling-up and Regeneration Act 2023; (b) a development corporation within the meaning of the New Towns Act 1981; (c) the new towns residuary body; (d) an urban development corporation established by an order under [s] 135 of the Local Government, Planning and Land Act 1980; (da) a Mayoral development corporation; (e) a housing action trust established under Part III of the Housing Act 1988; (g) the Regulator of Social Housing; (ga) the [SS] under [s] 89 of the Housing Associations Act 1985; (h) a housing trust (within the meaning of the Housing Associations Act 1985) which is a charity, a private registered provider of social housing] or a registered social landlord (within the

meaning of the Housing Act 1985); or (i) any other person who is, or who belongs to a class of person which is, specified in an order made by the [SS]. (8A) In [ss] (8)(c) above “*new towns residuary body*” means (a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in [s] 52(1)(a) to (d) of the Housing and Regeneration Act 2008 or the Greater London Authority so far as exercising its new towns and urban development functions; and (b) in relation to Wales, means the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in [s] 36(1)(a)(i) to (iii) of the New Towns Act 1981. (9) *The power to make an order under [ss] (8)(i) above shall be exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament.* \*\*

**S 4 Special provisions for agricultural employees.** (1) This [s] shall apply where the tenant under the former tenancy (within the meaning of [s] 3 of this Act) occupied the premises under the terms of his employment as a person employed in agriculture, as defined in [s] 1 of the Rent (Agriculture) Act 1976, but is not a statutory tenant as defined in that Act. (2) In this [s] “*the occupier*”, in relation to any premises, means (a) the tenant under the former tenancy; or (b) the surviving spouse or surviving civil partner of the tenant under the former tenancy residing with him at his death or, if the former tenant leaves no such surviving spouse or surviving civil partner, any member of his family residing with him at his death. (2A) In accordance with [s] 3(2B) above, any reference in [ss] (1) and (2) above to the tenant under the former tenancy includes a reference to the licensee under a licence (other than an excluded licence) which has come to an end (being a licence to occupy premises as a dwelling); and in the following provisions of this [s] the expressions “*tenancy*” and “*rent*” and any other expressions referable to a tenancy shall be construed accordingly. (3) Without prejudice to any power of the court apart from this [s] to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against the occupier the court makes an order for the possession of the premises the court may suspend the execution of the order on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable. (4) Where the order for possession is made within the period of 6 months beginning with the date when the former tenancy came to an end, then, without prejudice to any powers of the court under the preceding provisions of this [s] or apart from this [s] to postpone the operation or suspend the execution of the order for a longer period, the court shall suspend the execution of the order for the remainder of the said period of 6 months unless the court (a) is satisfied either (i) that other suitable accommodation is, or will within that period be made, available to the occupier; or (ii) that the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises are available for occupation by a person employed or to be employed by the owner; or (iii) that greater hardship (being hardship in respect of matters other than the carrying on of such a business as aforesaid) would be caused by the suspension of the order until the end of that period than by its execution within that period; or

(iv) that the occupier, or any person residing or lodging with the occupier, has been causing damage to the premises or has been guilty of conduct which is a nuisance or annoyance to persons occupying other premises; and (b) considers that it would be reasonable not to suspend the execution of the order for the remainder of that period. (5) Where the court suspends the execution of an order for possession under [ss] (4) above it shall do so on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable. (6) A decision of the court not to suspend the execution of the order under [ss] (4) above shall not prejudice any other power of the court to postpone the operation or suspend the execution of the order for the whole or part of the period of 6 months mentioned in that [ss]. (7) Where the court has, under the preceding provisions of this section, suspended the execution of an order for possession, it may from time to time vary the period of suspension or terminate it and may vary any terms or conditions imposed by virtue of this [s]. (8) In considering whether or how to exercise its powers under [ss] (3) above, the court shall have regard to all the circumstances and, in particular, to (a) whether other suitable accommodation is or can be made available to the occupier; (b) whether the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises were available for occupation by a person employed or to be employed by the owner; and (c) whether greater hardship would be caused by the suspension of the execution of the order than by its execution without suspension or further suspension. (9) Where in proceedings for the recovery of possession of the premises the court makes an order for possession but suspends the execution of the order under this [s], it shall make no order for costs, unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order. (10) Where, in the case of an order for possession of the premises to which [ss] (4) above applies, the execution of the order is not suspended under that subsection or, the execution of the order having been so suspended, the suspension is terminated, then, if it is subsequently made to appear to the court that the failure to suspend the execution of the order or, as the case may be, the termination of the suspension was (a) attributable to the provisions of [para] (a)(ii) of [ss] (4), and (b) due to misrepresentation or concealment of material facts by the owner of the premises, the court may order the owner to pay to the occupier such sum as appears sufficient as compensation for damage or loss sustained by the occupier as a result of that failure or termination. \*\*

**S 5. Validity of notices to quit.** (1) Subject to [ss] (1B) below no notice by a landlord or a tenant to quit any premises let (whether before or after the commencement of this Act) as a dwelling shall be valid unless (a) it is in writing and contains such information as may be prescribed, and (b) it is given not less than 4 weeks before the date on which it is to take effect. (1A) Subject to [ss] (1B) and (1C) below, no notice by a licensor or a licensee to determine a periodic licence to occupy premises as a dwelling (whether the licence was granted before or after the passing of this Act) shall be valid unless (a) it is in writing and contains such information as may be prescribed, and (b) it is given not less than 4 weeks before the date on which it is to take effect. (1B) Nothing in [ss] (1) or [ss] (1A) above applies to (a) premises let on an excluded tenancy which is entered into on or after the date on which the Housing Act 1988 came into force unless it is entered into pursuant to a contract made before that date; or (b) premises occupied under an excluded licence. (1C) Because of [s] 232 (*forfeiture and notices to quit*) of the Renting Homes (Wales) Act 2016 (anaw 1), this [s] does not apply to a dwelling in Wales which is subject to an occupation contract. (2) In this [s] “*prescribed*” means prescribed by regulations made by the [SS] by [SI], and a [SI] containing any such regulations shall be subject to annulment in pursuance of a resolution of

either House of Parliament. (3) Regulations under this [s] may make different provision in relation to different descriptions of lettings and different circumstances.

S 6. **Prosecution of offences.** Proceedings for an offence under this Act may be instituted by any of the following authorities: (a) councils of districts and London boroughs; (aa) councils of Welsh counties and county boroughs; (b) the Common Council of the City of London; (c) the Council of the Isles of Scilly.

S 7. **Service of Notices.** (1) If for the purpose of any proceedings (whether civil or criminal) brought or intended to be brought under this Act, any person serves upon (a) any agent of the landlord named as such in the rent book or other similar document, or (b) the person who receives the rent of the dwelling, a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice. (2) If any such agent or other person as is referred to in subsection (1) above fails or refuses forthwith to comply with a notice served on him under that [ss], he shall be liable on [SC] to a fine not exceeding level 4 [] unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him. (3) In this [s] “*landlord*” includes (a) any person from time to time deriving title under the original landlord, (b) in relation to any dwelling-house, any person other than the tenant who is or, but for Part VII of the Rent Act 1977 would be, entitled to possession of the dwelling-house, and (c) any person who, grants to another the right to occupy the dwelling in question as a residence and any person directly or indirectly deriving title from the grantor.

S 8. **Interpretation.** (1) In this Act “*statutorily protected tenancy*” means (a) a protected tenancy within the meaning of the Rent Act 1977 or a tenancy to which Part I of the Landlord and Tenant Act 1954 applies; (b) a protected occupancy or statutory tenancy as defined in the Rent (Agriculture) Act 1976; (c) a tenancy to which Part II of the Landlord and Tenant Act 1954 applies; (d) a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy in relation to which that act applies. (e) an assured tenancy or assured agricultural occupancy under Part I of the Housing Act 1988. (f) a tenancy to which [sch] 10 to the Local Government and Housing Act 1989 applies. (g) a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995. (h) an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see [s] 7 of that Act). (2) For the purposes of Part I of this Act a person who, under the terms of his employment, had exclusive possession of any premises other than as a tenant shall be deemed to have been a tenant and the expressions “*let*” and “*tenancy*” shall be construed accordingly. (3) In Part I of this Act “*the owner*”, in relation to any premises, means the person who, as against the occupier, is entitled to possession thereof. (4) In this Act “*excluded tenancy*” and “*excluded licence*” have the meaning assigned by [s] 3A of this Act. (5) If, on or after the date on which the Housing Act 1988 came into force, the terms of an excluded tenancy or excluded licence entered into before that date are varied, the (a) if the variation affects the amount of the rent which is payable under the tenancy or licence, the tenancy or licence shall be treated for the purposes of sections 3(2C) and 5(1B) above as a new tenancy or licence entered into at the time of the variation; and (b) if the variation does not affect the amount of the rent which is so payable, nothing in this Act shall affect the determination of the question whether the variation is such as to give rise to a new tenancy or licence. (6) Any reference in subsection (5) above to a variation affecting the amount of the rent which is payable under a tenancy or licence does not include a reference to (a) a reduction or increase effected under Part III or Part VI of the Rent Act 1977 (rents under regulated tenancies and housing association tenancies), [s] 78 of that Act (*power of tribunal in relation to restricted contracts*) or sections 11 to 14 of the Rent (Agriculture) Act 1976; or (b) a variation which is made by the parties and has the effect of making the rent expressed to be payable under the tenancy or licence the same as a rent for the dwelling which is entered in the register under Part IV or [s] 79 of the Rent Act 1977.

S 9. **The Court for purposes of Part I.** (1) The court for the purposes of Part I of this Act shall, subject to this [s], be (a) the county court, in relation to premises with respect to which the county court has for the time being jurisdiction in actions for the recovery of land; and (b) the High Court, in relation to other premises. (3) Nothing in this Act shall affect the jurisdiction of the High Court in proceedings to enforce a lessor’s right of re-entry or forfeiture or to enforce a mortgagee’s right of possession in a case where the former tenancy was not binding on the mortgagee. (4) Nothing in this Act shall affect the operation of (a) [s] 59 of the Pluralities Act 1838; (b) [s] 19 of the Defence Act 1842; (c) [s] 6 of the Lecturers and Parish Clerks Act 1844; (d) [para] 3 of [sch] 1 to the Sexual Offences Act 1956; or (e) [s] 13 of the Compulsory Purchase Act 1965.

S 10. **Application to Crown.** In so far as this Act requires the taking of proceedings in the court for the recovery of possession or confers any powers on the court it shall (except in the case of [s] 4(10)) be binding on the Crown.

S 11. **Application to Isles of Scilly.** (1) In its application to the Isles of Scilly, this Act (except in the case of [s] 5) shall have effect subject to such exceptions, adaptations and modifications as the [SS] may by order direct. (2) *The power to make an order under this section shall be exercisable by [SI] which shall be subject to annulment, in pursuance of a resolution of either House of Parliament.* (3) *An order under this [s] may be varied or revoked by a subsequent order.*

#### **Highways Act 1980**

S 137. **Penalty for wilful obstruction.** (1) If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to imprisonment for a term not exceeding 51 weeks or a fine or both. (1A) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003 (*alteration of penalties for certain summary offences: [E&W]*), the reference in [ss] (1) to 51 weeks is to be read as a reference to 6 months. (1B) For the purposes of this [s] it does not matter whether free passage along the highway in question has already been temporarily restricted or temporarily prohibited (whether by a [PO], a traffic authority or otherwise). (1C) In [ss] (1B), “*traffic authority*” has the same meaning as in the Road Traffic Regulation Act 1984 (see [s] 121A of that Act).



S 137A. **Power to order offender to remove obstruction.** (1) Where a person is convicted of an offence under [s] 137 above in respect of the obstruction of a highway and it appears to the court that (a) the obstruction is continuing, and (b) it is in that person's power to remove the cause of the obstruction, the court may, in addition to or instead of imposing any punishment, order him to take, within such reasonable period as may be fixed by the order, such steps as may be specified in the order for removing the cause of the obstruction. (2) The time fixed by an order under [ss] (1) above may be extended or further extended by order of the court on an application made before the end of the time as originally fixed or as extended under this [ss], as the case may be. (3) If a person fails without reasonable excuse to comply with an order under [ss] (1) above, he is guilty of an offence and liable to a fine not exceeding level 5 []; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding one-twentieth of the greater of £5,000 or level 4 [] for each day on which the offence is so continued. (4) Where, after a person is convicted of an offence under [ss] (3) above, the highway authority for the highway concerned exercise any power to remove the cause of the obstruction, they may recover from that person the amount of any expenses reasonably incurred by them in, or in connection with, doing so. (5) A person against whom an order is made under [ss] (1) above is not liable under [s] 137 above in respect of the obstruction concerned (a) during the period fixed under that [] or any extension under [ss] (2) above, or (b) during any period fixed under [s] 311(1) below by a court before whom he is convicted of an offence under [ss] (3) above in respect of the order.

#### Crime Justice and Public Order Act 1994

60 C. **Offence relating to residing on land without consent in or with a vehicle** (1) [ss] (2) applies where (a) a person aged 18 or over ("P") is residing, or intending to reside, on land without the consent of the occupier of the land, (b) P has, or intends to have, at least one vehicle with them on the land, (c) one or more of the conditions mentioned in [ss] (4) is satisfied, and (d) the occupier, a representative of the occupier or a [PO] requests P to do either or both of the following (i) leave the land; (ii) remove from the land property that is in P's possession or under P's control. (2) P commits an offence if (a) P fails to comply with the request as soon as reasonably practicable, or (b) P (i) enters (or having left, re-enters) the land within the prohibited period with the intention of residing there without the consent of the occupier of the land, and (ii) has, or intends to have, at least one vehicle with them on the land. (3) The prohibited period is the period of 12 months beginning with the day on which the request was made. (4) The conditions are (a) in a case where P is residing on the land, significant damage or significant disruption has been caused or is likely to be caused as a result of P's residence; (b) in a case where P is not yet residing on the land, it is likely that significant damage or significant disruption would be caused as a result of P's residence if P were to reside on the land; (c) that significant damage or significant disruption has been caused or is likely to be caused as a result of conduct carried on, or likely to be carried on, by P while P is on the land; (d) that significant distress has been caused or is likely to be caused as a result of offensive conduct carried on, or likely to be carried on, by P while P is on the land. (5) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [], or both. (6) In proceedings for an offence under this [s] it is a defence for the accused to show that the accused had a reasonable excuse for (a) failing to comply as soon as reasonably practicable with the request mentioned in [ss] (1)(d), or (b) after receiving such a request, entering (or re-entering) the land with the intention of residing there without the consent of the occupier of the land. (7) In its application to common land, this [s] has effect (a) in a case where the common land is land to which the public has access and the occupier cannot be identified, as if references to the occupier were references to the local authority in relation to the common land; (b) in a case where P's residence or intended residence without the consent of the occupier is, or would be, an infringement of the commoners' rights and (i) the occupier is aware of P's residence or intended residence and had an opportunity to consent to it, or (ii) if sub[para] (i) does not apply, any one or more of the commoners took reasonable steps to try to inform the occupier of P's residence or intended residence and provide an opportunity to consent to it, as if in [ss] (1)(d) after "a [PO]" there were inserted "or the commoners or any of them or their representative". (8) In this [s] "common land" and "commoner" have the same meaning as in [s] 61; "damage" includes (a) damage to the land; (b) damage to any property on the land not belonging to P; (c) damage to the environment (including excessive noise, smells, litter or deposits of waste); "disruption" includes interference with (a) a person's ability to access any services or facilities located on the land or otherwise make lawful use of the land, or (b) a supply of water, energy or fuel; "land" does not include buildings other than (a) agricultural buildings within the meaning of [paras] 3 to 8 of [sch] 5 to the Local Government Finance Act 1988, or (b) scheduled monuments within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 or the Historic Environment (Wales) Act 2023; "the local authority", in relation to common land, has the same meaning as in [s] 61; "occupier" means the person entitled to possession of the land by virtue of an estate or interest held by the person; "offensive conduct" means (a) the use of threatening, abusive or insulting words or behaviour, or disorderly behaviour, or (b) the display of any writing, sign, or other visible representation that is threatening, abusive or insulting; "vehicle" includes (a) any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle, and (b) a caravan as defined in [s] 29(1) of the Caravan Sites and Control of Development Act 1960. (9) For the purposes of this [s] a person is to be considered as residing or having the intention to reside in a place even if that residence or intended residence is temporary, and a person may be regarded as residing or having an intention to reside in a place notwithstanding that the person has a home elsewhere.

S 60D. **Offence under [s] 60C: seizure of property etc** (1) If a [PO] reasonably suspects that an offence has been committed under [s] 60C, the [PO] may seize and remove any relevant property that appears to the [PO] (a) to belong to the person who the [PO] suspects has committed the offence ("P"); (b) to be in P's possession; or (c) to be under P's control. (2) "Relevant property" means (a) a vehicle (wherever located) which, for the purposes of [s] 60C(1)(b) (in the case of an offence under [s] 60C(2)(a)) or for the purposes of [s] 60C(2)(b)(ii) (in the case of an offence under [s] 60C(2)(b)), the [PO] suspects P had or intended to have with them, or (b) any other property that is on the relevant land. (3) The "relevant land" is the land in respect of which a request under [s] 60C(1)(d) is made. (4) The relevant [CPO] may retain any property that has been seized under [ss] (1) until the end of the period of [3] months beginning with the day of the seizure ("the relevant period"). (5) But the relevant [CPO] ceases to be entitled to retain the property if before the end of the relevant period a custody officer gives written notice to P that

*P is not to be prosecuted for the offence under [s] 60C in relation to which the property was seized. (And see [ss] (10)). (6) [ss] (7) applies where before the end of the relevant period proceedings for an offence under [s] 60C are commenced against P. (7) Where this [ss] applies the relevant [CPO] may retain the property seized until the conclusion of proceedings relating to the offence (including any appeal) (but see [ss] (10)). (8) Where a [CPO] ceases to be entitled to retain property under this [s] the [CPO] must, subject to any order for forfeiture under [s] 60E, return it to the person whom the [CPO] believes to be its owner. (9) If a [CPO] cannot after reasonable inquiry identify a person for the purposes of [ss] (8) (a) the [CPO] must apply to a magistrates' court for directions, and (b) the court must make an order about the treatment of the property. (10) If at any time a person other than P satisfies a [CPO] that property that is retained by the [CPO] under this [s] (a) belongs to the person at that time, and (b) belonged to them at the time of the suspected offence under [s] 60C, the [CPO] must return the property to the person. (11) [ss] (10) does not apply in relation to a vehicle belonging to a person other than P if the [CPO] reasonably believes that the vehicle was, with the consent of the other person, in P's possession or under P's control at the time of the suspected offence under [s] 60C. (12) For the purposes of [ss] (6), proceedings are commenced when (a) a written charge is issued under [s] 29(1) of the Criminal Justice Act 2003, (b) a person is charged under Part 4 of the Police and Criminal Evidence Act 1984, or (c) an information is laid under [s] 1 of the Magistrates' Courts Act 1980. (13) For the purposes of this [s] (a) the relevant [CPO] is the [CPO] force for the area in which the property was seized, and (b) "vehicle" has the same meaning as in [s] 60C. \**

**S 60E. Offence under [s] 60C: forfeiture** (1) A court that convicts a person of an offence under [s] 60C may order any property to which [ss](2) applies to be forfeited and dealt with in a manner specified in the order. (2) This [ss] applies to any property that (a) was seized under [s] 60D(1), and (b) is retained by a [CPO] under that [s]. (3) Before making an order for the forfeiture of property the court must (a) permit anyone who claims to be its owner or to have an interest in it to make representations, and (b) consider its value and the likely consequences of forfeiture. \*

**S 61. Power to remove trespassers on land.** (1) If the [SPO] present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and (a) that any of those persons (i) in the case of persons trespassing on land in [E&W], has caused damage, disruption or distress (see [ss] (10)); (ii) in the case of persons trespassing on land in Scotland, has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, or (b) in either case, that those persons have between them [6] or more vehicles on the land, he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land. (2) Where the persons in question are reasonably believed by the senior police officer to be persons who were not originally trespassers but have become trespassers on the land, the officer must reasonably believe that the other conditions specified in [ss] (1) are satisfied after those persons became trespassers before he can exercise the power conferred by that [ss]. (3)A direction under [ss] (1) above, if not communicated to the persons referred to in [ss] (1) by the [PO] giving the direction, may be communicated to them by any [PO] at the scene. (4) If a person knowing that a direction under [ss] (1) above has been given which applies to him (a) fails to leave the land as soon as reasonably practicable, or (b) having left again enters the land as a trespasser within the prohibited period, he commits an offence and is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [], or both. (4ZA) The prohibited period is (a) in the case of a person trespassing on land in [E&W], the period of [12] months beginning with the day on which the direction was given; (b) in the case of a person trespassing on land in Scotland, the period of [3] months beginning with the day on which the direction was given. (4A) Where, as respects Scotland, the reason why these persons have become trespassers is that they have ceased to be entitled to exercise access rights by virtue of (a) their having formed the common purpose mentioned in [ss] (1) above; or (b) one or more of the conditions specified in [paras] (a) and (b) of that [ss] having been satisfied, the circumstances constituting that reason shall be treated, for the purposes of [ss] (4) above, as having also occurred after these persons became trespassers. (4B) In [ss] (4A) above "access rights" has the meaning given by the Land Reform (Scotland) Act 2003 (asp 2). (6) In proceedings for an offence under this [s] it is a defence for the accused to show (a) that he was not trespassing on the land, or (b) that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or, as the case may be, for again entering the land as a trespasser. (7) In its application in [E&W] to common land this [s] has effect as if in the preceding [ss] of it (a) references to trespassing or trespassers were references to acts and persons doing acts which constitute either a trespass as against the occupier or an infringement of the commoners' rights; and (b) references to "the occupier" included the commoners or any of them or, in the case of common land to which the public has access, the local authority as well as any commoner. (8) [ss] (7) above does not (a) require action by more than one occupier; or (b) constitute persons trespassers as against any commoner or the local authority if they are permitted to be there by the other occupier. (9) In this [s] "common land" means common land as defined in [s] 22 of the Commons Registration Act 1965; "common land" means (a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006; and (b) land to which Part 1 of that Act does not apply and which is subject to rights of common as defined in that Act; "commoner" means a person with rights of common [as defined in [s] 22 of the Commons Registration Act 1965 as so defined; "land" does not include (a) buildings other than (i) agricultural buildings within the meaning of, in [E&W], [paras] 3 to 8 of [sch] 5 to the Local Government Finance Act 1988 or, in Scotland, [s] 7(2) of the Valuation and Rating (Scotland) Act 1956, or (ii) scheduled monuments within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 or the Historic Environment (Wales) Act 2023; (b) land in Scotland forming part of (ii) a road within the meaning of the Roads (Scotland) Act 1984 unless it falls within the definitions in [s] 151(2)(a)(ii) or (b) (*footpaths and cycle tracks*) of that Act or is a bridleway within the meaning of [s] 47 of the Countryside (Scotland) Act 1967; "the local authority", in relation to common land, means any local authority which has powers in relation to the land under [s] 45 of the Commons Act 2006; "occupier" (and in [ss] (8) "the other occupier" means (a) in [E&W], the person entitled to possession of the land by virtue of an estate or interest held by him; and (b) in Scotland, the person lawfully entitled to natural possession of the land; "property", in relation to damage to property on land, means (a) in [E&W], property within the meaning of [s] 10(1) of the Criminal Damage Act 1971; and (b) in Scotland, either (i) heritable property other than land; or (ii)

corporeal moveable property, and “*damage*” includes the deposit of any substance capable of polluting the land; “*trespass*” means, in the application of this [s] (a) in [E&W], subject to the extensions effected by [ss] (7) above, trespass as against the occupier of the land; (b) in Scotland, entering, or as the case may be remaining on, land without lawful authority and without the occupier’s consent; and “*trespassing*” and “*trespasser*” shall be construed accordingly; “*vehicle*” includes (a) any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle; and (b) a caravan as defined in [s] 29(1) of the Caravan Sites and Control of Development Act 1960 and a person may be regarded for the purposes of this [s] as having a purpose of residing in a place notwithstanding that he has a home elsewhere. (10) For the purposes of [ss] (1)(a)(i) “*damage*” includes (a) damage to the land; (b) damage to any property on the land not belonging to the persons trespassing; (c) damage to the environment (including excessive noise, smells, litter or deposits of waste); “*disruption*” includes an interference with (a) a person’s ability to access any services or facilities located on the land or otherwise make lawful use of the land, or (b) a supply of water, energy or fuel; “*distress*” means distress caused by (a) the use of threatening, abusive or insulting words or behaviour, or disorderly behaviour, or (b) the display of any writing, sign, or other visible representation that is threatening, abusive or insulting.

**S 62. Supplementary powers of seizure.** (1) If a direction has been given under [s] 61 and a [PO] reasonably suspects that any person to whom the direction applies has, without reasonable excuse (a) failed to remove any vehicle on the land which appears to the [PO] to belong to him or to be in his possession or under his control; or (b) entered the land as a trespasser with a vehicle within the prohibited period, the [PO] may seize and remove that vehicle. (1A) The prohibited period is (a) in the case of a person trespassing on land in [E&W], the period of [12] months beginning with the day on which the direction was given; (a) in the case of a person trespassing on land in Scotland, the period of [3] months beginning with the day on which the direction was given. (2) In this [s], “*trespasser*” and “*vehicle*” have the same meaning as in [s] 61.

**S 62A. Power to remove trespassers: alternative site available** (1) If the [SPO] present at a scene reasonably believes that the conditions in [ss] (2) are satisfied in relation to a person and land, he may direct the person (a) to leave the land; (b) to remove any vehicle and other property he has with him on the land. (2) The conditions are (a) that the person and one or more others (“*the trespassers*”) are trespassing on the land; (b) that the trespassers have between them at least one vehicle on the land; (c) that the trespassers are present on the land with the common purpose of residing there for any period; (d) if it appears to the officer that the person has one or more caravans in his possession or under his control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans; (e) that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land. (3) A direction under [ss] (1) may be communicated to the person to whom it applies by any [PO] at the scene. (4) [ss] (5) applies if (a) a [PO] proposes to give a direction under [ss] (1) in relation to a person and land, and (b) it appears to him that the person has one or more caravans in his possession or under his control on the land. (5) The officer must consult every local authority within whose area the land is situated as to whether there is a suitable pitch for the caravan or each of the caravans on a relevant caravan site which is situated in the local authority’s area. (6) In this [s] “*caravan*” and “*caravan site*” have the same meanings as in Part 1 of the Caravan Sites and Control of Development Act 1960; “*relevant caravan site*” means a caravan site which is (a) situated in the area of a local authority within whose area the land is situated, and (b) managed by a relevant site manager; “*relevant site manager*” means (a) a local authority within whose area the land is situated; (aa) a private registered provider of social housing; (b) a registered social landlord; “*registered social landlord*” means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996. (7) The [SS] may by order amend the definition of “*relevant site manager*” in [ss] (6) by adding a person or description of person. (8) *An order under [ss] (7) must be made by [SI] and is subject to annulment in pursuance of a resolution of either House of Parliament.* \*

**62B. Failure to comply with direction under [s] 62A: offences.** (1) A person commits an offence if he knows that a direction under [s] 62A(1) has been given which applies to him and (a) he fails to leave the relevant land as soon as reasonably practicable, or (b) he enters any land in the area of the relevant local authority as a trespasser before the end of the relevant period with the intention of residing there. (2) The relevant period is the period of [12] months starting with the day on which the direction is given. (3) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 [] or both. (5) In proceedings for an offence under this [s] it is a defence for the accused to show (a) that he was not trespassing on the land in respect of which he is alleged to have committed the offence, or (b) that he had a reasonable excuse (i) for failing to leave the relevant land as soon as reasonably practicable, or (ii) for entering land in the area of the relevant local authority as a trespasser with the intention of residing there, or (c) that, at the time the direction was given, he was under the age of 18 years and was residing with his parent or guardian.

**S 62C. Failure to comply with direction under [s] 62A: seizure** (1) *This [s] applies if a direction has been given under [s] 62A(1) and a [PO] reasonably suspects that a person to whom the direction applies has, without reasonable excuse (a) failed to remove any vehicle on the relevant land which appears to the [PO] to belong to him or to be in his possession or under his control; or (b) entered any land in the area of the relevant local authority as a trespasser with a vehicle before the end of the relevant period with the intention of residing there. (2) The relevant period is the period of [12] months starting with the day on which the direction is given. (3) The [PO] may seize and remove the vehicle.* \*

**S 62D. Common land: modifications.** (1) In their application to common land sections 62A to 62C have effect with these modifications.

(2) References to trespassing and trespassers have effect as if they were references to acts, and persons doing acts, which constitute (a) a trespass as against the occupier, or (b) an infringement of the commoners’ rights. (3) References to the occupier (a) in the case of land to which the public has access, include the local authority and any commoner; (b) in any other case, include the commoners or any of them. (4) [ss] (1) does not (a) require action by more than one occupier, or (b) constitute persons trespassers as against any commoner or the local authority if they are permitted to be there by the other occupier. (5) In this [s] “*common land*”, “*commoner*” and “*the local authority*” have the meanings given by [s] 61.

S 62E. **Sections 62A to 62D: interpretation.** (1) [ss] (2) to (8) apply for the interpretation of sections 62A to 62D and this section. (2) “Land” does not include buildings other than (a) agricultural buildings within the meaning of [paras] 3 to 8 of [sch] 5 to the Local Government Finance Act 1988, or (b) scheduled monuments within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 or the Historic Environment (Wales) Act 2023. (3) “Local authority” means (a) in Greater London, a London borough or the Common Council of the City of London; (b) in England outside Greater London, a county council, a district council or the Council of the Isles of Scilly; (c) in Wales, a county council or a county borough council. (4) “Occupier”, “trespass”, “trespassing” and “trespasser” have the meanings given by [s] 61 in relation to [E&W]. (5) “The relevant land” means the land in respect of which a direction under [s] 62A (1) is given. (6) “The relevant local authority” means (a) if the relevant land is situated in the area of more than one local authority (but is not in the Isles of Scilly), the district council or county borough council within whose area the relevant land is situated; (b) if the relevant land is situated in the Isles of Scilly, the Council of the Isles of Scilly; (c) in any other case, the local authority within whose area the relevant land is situated. (7) “Vehicle” has the meaning given by [s] 61. (8) A person may be regarded as having a purpose of residing in a place even if he has a home elsewhere.

S 62F. **Guidance.** (1) The [SS] must issue guidance relating to the exercise of (a) the functions of [POs] in [E&W], and (b) the functions of constables in [E&W], under the provisions mentioned in [ss] (2). (2) Those provisions are (a) sections 60C to 62E, and (b) regulations under [s] 67 relating to vehicles seized under [s] 62(1) or [s] 62C(3). (3) [POs] in [E&W] and [POs] in [E&W] must have regard to the guidance when exercising any of those functions conferred on them. (4) The [SS] may from time to time revise the guidance. (5) The [SS] must arrange for the guidance and any revised guidance issued under this [s] to be published in such manner as the [SS] considers appropriate. (6) The [SS] must lay before Parliament a copy of any guidance or revised guidance published under [SS] (5).

S 63. **Powers to remove persons attending or preparing for a rave.** (1) This [s] applies to a gathering on land in the open air of 20 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose (a) such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and (b) “music” includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats. (1A) This [s] also applies to a gathering if (a) it is a gathering on land of 20 or more persons who are trespassing on the land; and (b) it would be a gathering of a kind mentioned in [ss] (1) above if it took place on land in the open air. (2) If, as respects any land, a [PO] of at least the rank of superintendent reasonably believes that (a) two or more persons are making preparations for the holding there of a gathering to which this [s] applies, (b) [10] or more persons are waiting for such a gathering to begin there, or (c) [10] or more persons are attending such a gathering which is in progress, he may give a direction that those persons and any other persons who come to prepare or wait for or to attend the gathering are to leave the land and remove any vehicles or other property which they have with them on the land. (3) A direction under [ss] (2) above, if not communicated to the persons referred to in [ss] (2) by the [PO] giving the direction, may be communicated to them by any [PO] at the scene. (4) Persons shall be treated as having had a direction under [ss] (2) above communicated to them if reasonable steps have been taken to bring it to their attention. (5) A direction under [ss] (2) above does not apply to an exempt person. (6) If a person knowing that a direction has been given which applies to him (a) fails to leave the land as soon as reasonably practicable, or (b) having left again enters the land within the period of 7 days beginning with the day on which the direction was given, he commits an offence and is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [], or both. (7) In proceedings for an offence under [ss] (6) above it is a defence for the accused to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or, as the case may be, for again entering the land. (7A) A person commits an offence if (a) he knows that a direction under [ss] (2) above has been given which applies to him, and (b) he makes preparations for or attends a gathering to which this [s] applies within the period of 24 hours starting when the direction was given. (7B) A person guilty of an offence under [ss] (7A) above is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [], or both. (9) This [s] does not apply (a) in [E&W], to a gathering in relation to a licensable activity within [s] 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of [s] 136 of that Act; (b) in Scotland, to a gathering in premises which, by virtue of [s] 41 of the Civic Government (Scotland) Act 1982, are licensed to be used as a place of public entertainment. (10) In this [s] “entertainment licence” means a licence granted by a local authority under (a) [sch] 12 to the London Government Act 1963; (b) [s] 3 of the Private Places of Entertainment (Licensing) Act 1967; or (c) [sch] 1 to the Local Government (Miscellaneous Provisions) Act 1982; “exempt person”, in relation to land (or any gathering on land), means the occupier, any member of his family and any employee or agent of his and any person whose home is situated on the land; “land in the open air” includes a place partly open to the air; “local authority” means (a) in Greater London, a London borough council or the Common Council of the City of London; (b) in England outside Greater London, a district council or the council of the Isles of Scilly; (c) in Wales, a county council or county borough council; and “occupier”, “trespasser” and “vehicle” have the same meaning as in [s] 61. (11) Until 1st April 1996, in this [s] “local authority” means, in Wales, a district council.

**63. Powers to remove persons attending or preparing for a rave.** (1) This [s] applies to a gathering on land in the open air of 100 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose (a) such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and (b) “music” includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats. (2) If, as respects any land, a [PO] of at least the rank of superintendent reasonably believes that (a) two or more persons are making preparations for the holding there of a gathering to which this section applies, (b) [10] or more persons are waiting for such a gathering to begin there, or (c) [10] or more persons are attending such a gathering which is in progress, he may give a direction that those persons and any other persons who come to prepare or wait for or to attend the gathering are to leave the land and

remove any vehicles or other property which they have with them on the land. (3) A direction under [ss] (2) above, if not communicated to the persons referred to in [ss] (2) by the [PO] giving the direction, may be communicated to them by any constable at the scene. (4) Persons shall be treated as having had a direction under [ss] (2) above communicated to them if reasonable steps have been taken to bring it to their attention. (5) A direction under [ss] (2) above does not apply to an exempt person. (6) If a person knowing that a direction has been given which applies to him (a) fails to leave the land as soon as reasonably practicable, or (b) having left again enters the land within the period of 7 days beginning with the day on which the direction was given, he commits an offence and is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [ ], or both. (7) In proceedings for an offence under this [s] it is a defence for the accused to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or, as the case may be, for again entering the land. (8) A [PO] in uniform who reasonably suspects that a person is committing an offence under this [ss] may arrest him without a warrant. (9) This [ss] does not apply (a) in [E&W], to a gathering in relation to a licensable activity within [s] 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of [s] 136 of that Act; (b) in Scotland, to a gathering in premises which, by virtue of [s] 41 of the Civic Government (Scotland) Act 1982, are licensed to be used as a place of public entertainment. (10) In this [s] “*entertainment licence*” means a licence granted by a local authority under (a) [sch] 12 to the London Government Act 1963; (b) [s] 3 of the Private Places of Entertainment (Licensing) Act 1967; or (c) [sch] 1 to the Local Government (Miscellaneous Provisions) Act 1982; “*exempt person*”, in relation to land (or any gathering on land), means the occupier, any member of his family and any employee or agent of his and any person whose home is situated on the land; “*land in the open air*” includes a place partly open to the air; “*local authority*” means (a) in Greater London, a London borough council or the Common Council of the City of London; (b) in England outside Greater London, a district council or the council of the Isles of Scilly; (c) in Wales, a county council or county borough council; and “*occupier*”, “*trespasser*” and “*vehicle*” have the same meaning as in [s] 61. (11) Until 1st April 1996, in this [s] “*local authority*” means, in Wales, a district council.

**S 64. Supplementary powers of entry and seizure.** (1) If a [PO] of at least the rank of superintendent reasonably believes that circumstances exist in relation to any land which would justify the giving of a direction under [s] 63 in relation to a gathering to which that [s] applies he may authorise any [PO] to enter the land for any of the purposes specified in [ss] (2) below. (2) Those purposes are (a) to ascertain whether such circumstances exist; and (b) to exercise any power conferred on a [PO] by [s] 63 or [ss] (4) below. (3) A [PO] who is so authorised to enter land for any purpose may enter the land without a warrant. (4) If a direction has been given under [s] 63 and a [PO] reasonably suspects that any person to whom the direction applies has, without reasonable excuse (a) failed to remove any vehicle or sound equipment on the land which appears to the [PO] to belong to him or to be in his possession or under his control; or (b) entered the land as a trespasser with a vehicle or sound equipment within the period of 7 days beginning with the day on which the direction was given, the constable may seize and remove that vehicle or sound equipment. (5) [ss] (4) above does not authorise the seizure of any vehicle or sound equipment of an exempt person. (5A) Entering land in Scotland with sound equipment in the circumstances mentioned in [ss] (4)(b) above is not an exercise of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2). (6) In this [s] “*exempt person*” has the same meaning as in [s] 63; “*sound equipment*” means equipment designed or adapted for amplifying music and any equipment suitable for use in connection with such equipment, and “*music*” has the same meaning as in [s] 63; and “*vehicle*” has the same meaning as in [s] 61.\*

**S 65. Raves: power to stop persons from proceeding.** (1) If a [PO] in uniform reasonably believes that a person is on his way to a gathering to which [s] 63 applies in relation to which a direction under [s] 63(2) is in force, he may, subject to [ss] (2) and (3) below (a) stop that person, and (b) direct him not to proceed in the direction of the gathering. (2) The power conferred by [ss] (1) above may only be exercised at a place within 5 miles of the boundary of the site of the gathering. (3) No direction may be given under [ss] (1) above to an exempt person. (4) If a person knowing that a direction under [ss] (1) above has been given to him fails to comply with that direction, he commits an offence and is liable on [SC] to a fine not exceeding level 3 [ ]. (5) A [PO] in uniform who reasonably suspects that a person is committing an offence under this [s] may arrest him without a warrant. (6) In this [s], “*exempt person*” has the same meaning as in [s] 63.

**S 66. Power of court to forfeit sound equipment.** (1) Where a person is convicted of an offence under [s] 63 in relation to a gathering to which that [s] applies and the court is satisfied that any sound equipment which has been seized from him under [s] 64(4), or which was in his possession or under his control at the relevant time, has been used at the gathering the court may make an order for forfeiture under this subsection in respect of that property. (2) The court may make an order under [ss] (1) above whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restrictions on forfeiture in any enactment. (3) In considering whether to make an order under [ss] (1) above in respect of any property a court shall have regard (a) to the value of the property; and (b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making). (4) An order under [ss] (1) above shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police. (5) Except in a case to which [ss] (6) below applies, where any property has been forfeited under [ss] (1) above, a magistrates’ court may, on application by a claimant of the property, other than the offender from whom it was forfeited under [ss] (1) above, make an order for delivery of the property to the applicant if it appears to the court that he is the owner of the property. (6) In a case where forfeiture under [ss] (1) above has been by order of a Scottish court, a claimant such as is mentioned in [ss] (5) above may, in such manner as may be prescribed by act of adjournal, apply to that court for an order for the return of the property in question. (7) No application shall be made under [ss] (5), or by virtue of [ss] (6), above by any claimant of the property after the expiration of 6 months from the date on which an order under [ss] (1) above was made in respect of the property. (8) No such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used at a gathering to which [s] 63 applies. (9) An order under [ss] (5), or by virtue of [ss] (6), above shall not affect the right of any person to take, within the period of 6 months from the date of an order under [ss] (5), or as the case may be by virtue of [ss] (6), above, proceedings for the recovery of the property from the person in possession of it in pursuance of the order, but

on the expiration of that period the right shall cease. (10) The [SS] may make regulations for the disposal of property, and for the application of the proceeds of sale of property, forfeited under [ss] (1) above where no application by a claimant of the property under [ss] (5), or by virtue of [ss] (6), above has been made within the period specified in [ss] (7) above or no such application has succeeded. (11) The regulations may also provide for the investment of money and for the audit of accounts. (12) The power to make regulations under [ss] (10) above shall be exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (13) In this [s] “relevant time”, in relation to a person (a) convicted in [E&W] of an offence under [s] 63, means the time of his arrest for the offence or of the issue of a summons in respect of it; (b) so convicted in Scotland, means the time of his arrest for, or of his being cited as an accused in respect of, the offence; “sound equipment” has the same meaning as in [s] 64. \*\*

S 67. **Retention and charges for seized property.** (1) Any vehicles which have been seized and removed by a [PO] under [s] 62(1), 62C(3) or 64(4) may be retained in accordance with regulations made by the [SS] under [ss] (3) below. (2) Any sound equipment which has been seized and removed by a [PO] under [s] 64(4) may be retained until the conclusion of proceedings against the person from whom it was seized for an offence under [s] 63. (3) The [SS] may make regulations (a) regulating the retention and safe keeping and the disposal and the destruction in prescribed circumstances of vehicles; and (b) prescribing charges in respect of the removal, retention, disposal and destruction of vehicles. (4) Any authority shall be entitled to recover from a person from whom a vehicle has been seized such charges as may be prescribed in respect of the removal, retention, disposal and destruction of the vehicle by the authority. (5) Regulations under [ss] (3) above may make different provisions for different classes of vehicles or for different circumstances. (6) Any charges under [ss] (4) above shall be recoverable as a simple contract debt. (7) Any authority having custody of vehicles under regulations under [ss] (3) above shall be entitled to retain custody until any charges under [ss] (4) are paid. (8) The power to make regulations under [ss] (3) above shall be exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (9) In this [s] “conclusion of proceedings” against a person means (a) his being sentenced or otherwise dealt with for the offence or his acquittal; (b) the discontinuance of the proceedings; or (c) the decision not to prosecute him, whichever is the earlier; “sound equipment” has the same meaning as in [s] 64; and “vehicle” has the same meaning as in [s] 61. \*\*

S 68. **Offence of aggravated trespass.** (1) A person commits the offence of aggravated trespass if he trespasses on land in the open air and, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land in the open air, does there anything which is intended by him to have the effect (a) of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity, (b) of obstructing that activity, or (c) of disrupting that activity. (1A) The reference in [ss] (1) above to trespassing includes, in Scotland, the exercise of access rights (within the meaning of the Land Reform (Scotland) Act 2003 (asp 2)) up to the point when they cease to be exercisable by virtue of the commission of the offence under that [ss]. (2) Activity on any occasion on the part of a person or persons on land is “lawful” for the purposes of this section if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land. (3) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding [3] months or a fine not exceeding level 4 [], or both. (4) A [PO] in uniform who reasonably suspects that a person is committing an offence under this [s] may arrest him without a warrant. (5) In this [s] “land” does not include (a) a highway unless it is a footpath, bridleway or byway open to all traffic within the meaning of Part 3 of the Wildlife and Countryside Act 1981, is a restricted byway within the meaning of Part 2 of the Countryside and Rights of Way Act 2000 or is a cycle track under the Highways Act 1980 or the Cycle Tracks Act 1984; (aa) a road within the meaning of the Roads (Scotland) Act 1984 unless it falls within the definitions in [s] 151(2)(a)(ii) or (b) (footpaths and cycle tracks) of that Act or is a bridleway within the meaning of section 47 of the Countryside (Scotland) Act 1967; or (b) a road within the meaning of the Roads (NI) Order 1993.

S 69. **Powers to remove persons committing or participating in aggravated trespass.** (1) If the [SPO] present at the scene reasonably believes (a) that a person is committing, has committed or intends to commit the offence of aggravated trespass on land in the open air; or (b) that two or more persons are trespassing on land in the open air] and are present there with the common purpose of intimidating persons so as to deter them from engaging in a lawful activity or of obstructing or disrupting a lawful activity, he may direct that person or (as the case may be) those persons (or any of them) to leave the land. (2) A direction under [ss] (1) above, if not communicated to the persons referred to in [ss] (1) by the [PO] giving the direction, may be communicated to them by any [PO] at the scene. (3) If a person knowing that a direction under [ss] (1) above has been given which applies to him (a) fails to leave the land as soon as practicable, or (b) having left again enters the land as a trespasser within the period of [3] months beginning with the day on which the direction was given, he commits an offence and is liable on [SC] to imprisonment for a term not exceeding [s] months or a fine not exceeding level 4 [], or both. (4) In proceedings for an offence under [ss] (3) it is a defence for the accused to show (a) that he was not trespassing on the land, or (b) that he had a reasonable excuse for failing to leave the land as soon as practicable or, as the case may be, for again entering the land as a trespasser. (5) A [PO] in uniform who reasonably suspects that a person is committing an offence under this [s] may arrest him without a warrant. (6) In this [s] “lawful activity” and “land” have the same meaning as in [s] 68.

S 75. **Interim possession orders: false or misleading statements.** (1) A person commits an offence if, for the purpose of obtaining an interim possession order, he (a) makes a statement which he knows to be false or misleading in a material particular; or (b) recklessly makes a statement which is false or misleading in a material particular. (2) A person commits an offence if, for the purpose of resisting the making of an interim possession order, he (a) makes a statement which he knows to be false or misleading in a material particular; or (b) recklessly makes a statement which is false or misleading in a material particular. (3) A person guilty of an offence under this [s] shall be liable (a) on conviction on indictment, to imprisonment for a term not exceeding [2] years or a fine or both; (b) on [SC], to imprisonment for a term not exceeding [6] months or a fine not exceeding the statutory maximum or both. (4) In this [s] “interim possession order” means an interim possession order (so entitled) made under rules of court for the bringing of summary proceedings for possession of premises which are occupied by trespassers; “premises” has the

same meaning as in Part II of the Criminal Law Act 1977 (offences relating to entering and remaining on property); and “*statement*”, in relation to an interim possession order, means any statement, in writing or oral and whether as to fact or belief, made in or for the purposes of the proceedings.

**S 76. Interim possession orders: trespassing during currency of order.** (1) This [s] applies where an interim possession order has been made in respect of any premises and served in accordance with rules of court; and references to “*the order*” and “*the premises*” shall be construed accordingly. (2) Subject to [ss] (3), a person who is present on the premises as a trespasser at any time during the currency of the order commits an offence. (3) No offence under [ss] (2) is committed by a person if (a) he leaves the premises within 24 hours of the time of service of the order and does not return; or (b) a copy of the order was not fixed to the premises in accordance with rules of court. (4) A person who was in occupation of the premises at the time of service of the order but leaves them commits an offence if he re-enters the premises as a trespasser or attempts to do so after the expiry of the order but within the period of [1] year beginning with the day on which it was served. (5) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [6] months or a fine not exceeding level 5 [ ] or both. (6) A person who is in occupation of the premises at the time of service of the order shall be treated for the purposes of this [s] as being present as a trespasser. (7) A [PO] in uniform may arrest without a warrant anyone who is, or whom he reasonably suspects to be, guilty of an offence under this [s]. (8) In this [s] “*interim possession order*” has the same meaning as in [s] 75 above and “*rules of court*” is to be construed accordingly; and “*premises*” has the same meaning as in that [s], that is to say, the same meaning as in Part II of the Criminal Law Act 1977 (*offences relating to entering and remaining on property*).

**S 77. Power of local authority to direct unauthorised campers to leave land.** (1) If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority’s area (a) on any land forming part of a highway; (b) on any other unoccupied land; or (c) on any occupied land without the consent of the occupier, the authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land. (2) Notice of a direction under [ss] (1) must be served on the persons to whom the direction applies, but it shall be sufficient for this purpose for the direction to specify the land and (except where the direction applies to only one person) to be addressed to all occupants of the vehicles on the land, without naming them. (3) If a person knowing that a direction under [ss] (1) above has been given which applies to him (a) fails, as soon as practicable, to leave the land or remove from the land any vehicle or other property which is the subject of the direction, or (b) having removed any such vehicle or property again enters the land with a vehicle within the period of [3] months beginning with the day on which the direction was given, he commits an offence and is liable on [SC] to a fine not exceeding level 3 [ ] (4) A direction under [ss] (1) operates to require persons who re-enter the land within the said period with vehicles or other property to leave and remove the vehicles or other property as it operates in relation to the persons and vehicles or other property on the land when the direction was given. (5) In proceedings for an offence under this [s] it is a defence for the accused to show that his failure to leave or to remove the vehicle or other property as soon as practicable or his re-entry with a vehicle was due to illness, mechanical breakdown or other immediate emergency. (6) In this [s] “*land*” means land in the open air, “*local authority*” means (a) in Greater London, a London borough or the Common Council of the City of London; (b) in England outside Greater London, a county council, a district council or the Council of the Isles of Scilly; (c) in Wales, a county council or a county borough council; “*occupiers on entitled to possession of the land by virtue of an estate or interest held by him*”; “*vehicle*” includes (a) any vehicle, whether or not it is in a fit state for use on roads, and includes any body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle; and (b) a caravan as defined in [s] 29(1) of the Caravan Sites and Control of Development Act 1960;

and a person may be regarded for the purposes of this [s] as residing on any land notwithstanding that he has a home elsewhere. (7) *Until 1st April 1996, in this [s] “local authority” means, in Wales, a county council or a district council. (spent)*

**S 78. Orders for removal of persons and their vehicles unlawfully on land.** (1) A magistrates’ court may, on a complaint made by a local authority, if satisfied that persons and vehicles in which they are residing are present on land within that authority’s area in contravention of a direction given under [s] 77, make an order requiring the removal of any vehicle or other property which is so present on the land and any person residing in it. (2) An order under this [s] may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and, in particular, may authorise the authority, by its officers and servants (a) to enter upon the land specified in the order; and (b) to take, in relation to any vehicle or property to be removed in pursuance of the order, such steps for securing entry and rendering it suitable for removal as may be so specified. (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 hours notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses. (4) A person who wilfully obstructs any person in the exercise of any power conferred on him by an order under this [s] commits an offence and is liable on [SC] to a fine not exceeding level 3 [ ]. (5) Where a complaint is made under this [s], a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed (a) to the occupant of a particular vehicle on the land in question; or (b) to all occupants of vehicles on the land in question, without naming him or them. (6) [s] 55(2) of the Magistrates’ Courts Act 1980 (*warrant for arrest of defendant failing to appear*) does not apply to proceedings on a complaint made under this [s]. (7) [s]77(6) of this Act applies also for the interpretation of this [s].

**S 79. Provisions as to directions under s. 77 and orders under s. 78.** (1) The following provisions apply in relation to the service of notice of a direction under [s] 77 and of a summons under [s] 78, referred to in those provisions as a “*relevant document*”. (2) Where it is impracticable to serve a relevant document on a person named in it, the document shall be treated as duly served on him if a copy of it is fixed in a prominent place to the vehicle concerned; and where a relevant document is directed to the unnamed occupants of vehicles, it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every vehicle on the land in question at the time when service is thus effected.

(3) A local authority shall take such steps as may be reasonably practicable to secure that a copy of any relevant document is displayed on the land in question (otherwise than by being fixed to a vehicle) in a manner designed to ensure that it is likely to be seen by any person camping on the land. (4) Notice of any relevant document shall be given by the local authority to the owner of the land in question and to any occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the owner or occupier; and the owner of any such land and any occupier of such land shall be entitled to appear and to be heard in the proceedings. (5) [s] 77(6) applies also for the interpretation of this [s].

### **Anti-Social Behaviour Act 2003**

S 54. **Penalty notices for graffiti and fly-posting** (1) Where an authorised officer of a local authority has reason to believe that a person has committed a relevant offence in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a penalty in accordance with the notice. (2) But an authorised officer may not give a notice under [ss] (1) if he considers that the commission of the offence (a) in the case of a relevant offence falling within [s] 44(1)(c), also involves the commission of an offence under [s] 30 of the Crime and Disorder Act 1998 (c. 37), or (b) in the case of any other relevant offence, was motivated (wholly or partly) by hostility (i) towards a person based upon his membership (or presumed membership) of a racial or religious group, or (ii) towards members of a racial or religious group based on their membership of that group. (3) In the case of a relevant offence falling within [s] 44(1)(f), an authorised officer may not give a notice to a person under [ss](1) in relation to the display of an advertisement unless he has reason to believe that that person personally affixed or placed the advertisement to, against or upon the land or object on which the advertisement is or was displayed. (4) Where a person is given a notice under [ss] (1) in respect of an offence (a) no proceedings may be instituted for that offence (or any other relevant offence arising out of the same circumstances) before the expiration of the period of [14] days following the date of the notice, and (b) he may not be convicted of that offence (or any other relevant offence arising out of the same circumstances) if before the expiration of that period he pays the penalty in accordance with the notice. (5) A notice under [ss] (1) must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence. (6) A notice under [ss] (1) must also state (a) the period during which, by virtue of [ss] (4), proceedings will not be instituted for the offence, (b) the amount of the penalty, and (c) the person to whom and the address at which the penalty may be paid. (7) Without prejudice to payment by any other method, payment of a penalty in pursuance of a notice under [ss] (1) may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in [ss](6)(c) at the address so mentioned. (8) Where a letter is sent in accordance with [ss] (7) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post. (9) A notice under [ss] (1) must be in such form as the appropriate person may by order prescribe.

43A. **Amount of penalty.** (1) The amount of a penalty payable in pursuance of a notice under [s] 43(1) (a) is the amount specified by a relevant local authority in relation to its area (whether or not the penalty is payable to that or another authority), or (b) if no amount is so specified, is (i) in England, £100, or (ii) in Wales, £75. (2) In [ss] (1)(a), “*relevant local authority*” means (a) a district council in England; (b) a county council in England for an area for which there is no district council; (c) a London borough council; (d) the Common Council of the City of London; (e) the Council of the Isles of Scilly; (f) a county or county borough council in Wales. (3) The local authority to which a penalty is payable in pursuance of a notice under [s] 43(1) may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority. (4) The appropriate person may by regulations make provision in connection with the powers conferred under [ss] (1)(a) and (3). (5) Regulations under [ss] (4) may (in particular) (a) require an amount specified under [ss] (1)(a) to fall within a range prescribed in the regulations; (b) restrict the extent to which, and the circumstances in which, a local authority can make provision under [ss] (3). (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in [ss] (1)(b).

43B. **Penalty notices: power to require name and address** (1) If an authorised officer of a local authority proposes to give a person a notice under [s] 43(1), the officer may require the person to give him his name and address. (2) A person commits an offence if (a) he fails to give his name and address when required to do so under [ss] (1), or (b) he gives a false or inaccurate name or address in response to a requirement under that [ss]. (3) **A person guilty of an offence under [ss] (2) is liable on [SC] to a fine not exceeding level 3 [].**

S 44. **Meaning of relevant offence.** (1) “*Relevant offence*” means (a) an offence under [para] 10 of [s] 54 of the Metropolitan Police Act 1839 (c. 47) (*affixing posters etc*), (b) an offence under [s] 20(1) of the London County Council (General Powers) Act 1954 (*defacement of streets with slogans etc*), (c) an offence under [s] 1(1) of the Criminal Damage Act 1971 (c. 48) (*damaging property etc*) which involves only the painting or writing on, or the soiling, marking or other defacing of, any property by whatever means, (d) an offence under [s] 131(2) of the Highways Act 1980 (c. 66) (including that provision as applied by [s] 27(6) of the Countryside Act 1968 (c. 41)) which involves only an act of obliteration, (e) an offence under [s] 132(1) of the Highways Act 1980 (*painting or affixing things on structures on the highway etc*), (f) an offence under [s] 224(3) of the Town and Country Planning Act 1990 (c. 8) (displaying advertisement in contravention of regulations). (2) This [s] has effect for the purposes of the interpretation of [s] 43.

S 45. **Penalty receipts.** (1) The fixed penalty payable in pursuance of a notice under [s] 43(1) is payable to the local authority whose authorised officer gave the notice. (2) In any proceedings a certificate which (a) purports to be signed by or on behalf of the person responsible for the financial affairs of a local authority, and (b) states that payment of a penalty payable in pursuance of a notice under [s] 43(1) was or was not received by a date specified in the certificate, is evidence of the facts stated.

S 47. **Interpretation etc.** (1) In this [s] and sections 43 to 43B and 45 “*advertisement*” and “*land*” have the meanings given by [s] 336(1) of the Town and Country Planning Act 1990 (c. 8), “*appropriate person*” means (a) in relation to England, the [SS], and (b) in relation to Wales, the National Assembly for Wales, “*authorised officer*”, in relation to a local authority, means (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under [s] 43(1); (b) any person who, in pursuance of arrangements made with the



authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices, “local authority” means an authority in [E&W] which is a litter authority for the purposes of [s] 88 of the Environmental Protection Act 1990 (c. 43), “racial group” and “religious group” have the meanings given by [s] 28(4) and (5) of the Crime and Disorder Act 1998 (c. 37). (2) [s] 28(2) of the Crime and Disorder Act 1998 is to apply for the purposes of [s] 43(2)(b)(i) as it applies for the purposes of [s] 28(1)(a) of that Act. (3) The appropriate person may issue guidance (a) about the exercise of the discretion to give notices under [s] 43(1), and (b) about the giving of such notices. (4) The appropriate person may by regulations prescribe conditions to be satisfied by a person before a parish or community council may authorise him in writing for the purpose of giving notices under [s] 43(1).

#### **Serious Organised Crime Act 2005**

S 128. **Offence of trespassing on designated site.** (1) A person commits an offence if he enters, or is on, any protected site in [E&W] or [NI] as a trespasser. (1A) In this section “protected site” means (a) a nuclear site; or (b) a designated site. (1B) In this [s] “nuclear site” means (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and (b) so much of any other premises of which premises falling within [para] (a) form a part as lies within that outer perimeter. (1C) For this purpose (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed. (2) A “designated site” means a site (a) specified or described (in any way) in an order made by the [SS], and (b) designated for the purposes of this [s] by the order. (3) The [SS] may only designate a site for the purposes of this [s] if (a) it is comprised in Crown land; or (b) it is comprised in land belonging to [HM] in Her private capacity or to the immediate heir to the Throne in his private capacity; or (c) it appears to the [SS] that it is appropriate to designate the site in the interests of national security. (4) It is a defence for a person charged with an offence under this [s] to prove that he did not know, and had no reasonable cause to suspect, that the site in relation to which the offence is alleged to have been committed was a protected site. (5) A person guilty of an offence under this [s] is liable on [SC] (a) to imprisonment for a term not exceeding 51 weeks, or (b) to a fine not exceeding level 5 [], or to both. (6) *No proceedings for an offence under this [s] may be instituted against any person (a) in [E&W], except by or with the consent of the [AG], or (b) in [NI], except by or with the consent of the [AG] for [NI].* (7) For the purposes of this [s] a person who is on any protected site as a trespasser does not cease to be a trespasser by virtue of being allowed time to leave the site. (8) In this [s] (a) “site” means the whole or part of any building or buildings, or any land, or both; (b) “Crown land” means land in which there is a Crown interest or a Duchy interest. (9) For this purpose “Crown interest” means an interest belonging to [HM] in right of the Crown, and “Duchy interest” means an interest belonging to [HM] in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall. (10) In the application of this [s] to [NI], the reference to 51 weeks in [ss] (5)(a) is to be read as a reference to 6 months. \*

S 129. **Corresponding Scottish offence** (1) A person commits an offence if he enters, or is on, any protected Scottish site without lawful authority. (1A) In this [s] “protected Scottish site” means (a) a nuclear site in Scotland; or (b) a designated Scottish site. (1B) In this [s] “nuclear site” means (a) so much of any premises in respect of which a nuclear site licence (within the meaning of the Nuclear Installations Act 1965) is for the time being in force as lies within the outer perimeter of the protection provided for those premises; and (b) so much of any other premises of which premises falling within [para] (a) form a part as lies within that outer perimeter. (1C) For this purpose (a) the outer perimeter of the protection provided for any premises is the line of the outermost fences, walls or other obstacles provided or relied on for protecting those premises from intruders; and (b) that line shall be determined on the assumption that every gate, door or other barrier across a way through a fence, wall or other obstacle is closed. (2) A “designated Scottish site” means a site in Scotland (a) specified or described (in any way) in an order made by the [SS], and (b) designated for the purposes of this [s] by the order. (3) The [SS] may only designate a site for the purposes of this [s] if it appears to him that it is appropriate to designate the site in the interests of national security. (4) It is a defence for a person charged with an offence under this [s] to prove that he did not know, and had no reasonable cause to suspect, that the site in relation to which the offence is alleged to have been committed was a protected Scottish site. (5) A person guilty of an offence under this [s] is liable on [SC] (a) to imprisonment for a term not exceeding 12 months, or (b) to a fine not exceeding level 5 [], or to both. (6) For the purposes of [ss] (1), a person who is on any protected Scottish site without lawful authority does not acquire lawful authority by virtue of being allowed time to leave the site. (7) In this [s] “site” means the whole or part of any building or buildings, or any land, or both.

S 130. **Designated sites: powers of arrest.** (1)...(2) An offence under [s] 128 is to be treated as an arrestable offence for the purposes of the Police and Criminal Evidence ([NI]) Order 1989 (S.I. 1989/1341 (N.I. 12)).

S 131. **Designated sites: access** (1) The following provisions do not apply to land in respect of which a designation order is in force (a) [s] 2(1) of the Countryside and Rights of Way Act 2000 (c. 37) (rights of public in relation to access land), (b) Part III of the Countryside ([NI]) Order 1983 (S.I. 1983/1895 (N.I. 18)) (access to open country), and (c) [s] 1 of the Land Reform (Scotland) Act 2003 (asp 2) (access rights). (2) The [SS] may take such steps as he considers appropriate to inform the public of the effect of any designation order, including, in particular, displaying notices on or near the site to which the order relates. (3) But the [SS] may only (a) display any such notice, or (b) take any other steps under [ss] (2), in or on any building or land, if the appropriate person consents. (4) The “appropriate person” is (a) a person appearing to the [SS] to have a sufficient interest in the building or land to consent to the notice being displayed or the steps being taken, or (b) a person acting on behalf of such a person. (5) In this [s] a “designation order” means (a) in relation to [E&W] or [NI], an order under section 128, or (b) in relation to Scotland, an order under [s] 129.

### **Criminal Justice and Immigration Act 2008**

S 119. **Offence of causing nuisance or disturbance on NHS premises.** (1) A person commits an offence if (a) the person causes, without reasonable excuse and while on NHS premises, a nuisance or disturbance to an NHS staff member who is working there or is otherwise there in connection with work, (b) the person refuses, without reasonable excuse, to leave the NHS premises when asked to do so by a constable or an NHS staff member, and (c) the person is not on the NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself. (2) A person who commits an offence under this [s] is liable on [SC] to a fine not exceeding level 3 [L]. (3) For the purposes of this section (a) a person ceases to be on NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself once the person has received the advice, treatment or care, and (b) a person is not on NHS premises for the purpose of obtaining medical advice, treatment or care for himself or herself if the person has been refused the advice, treatment or care during the last 8 hours. (4) In this section “*English NHS premises*” means (a) any hospital vested in, or managed by, a relevant English NHS body, (b) any building or other structure, or vehicle, associated with the hospital and situated on hospital grounds (whether or not vested in, or managed by, a relevant English NHS body), and (c) the hospital grounds, “*hospital grounds*” means land in the vicinity of a hospital and associated with it, “*NHS premises*” means English NHS premises or Welsh NHS premises, “*NHS staff member*” means a person employed by a relevant English NHS body, or a relevant Welsh NHS body, or otherwise working for such a body (whether as or on behalf of a contractor, as a volunteer or otherwise), “*relevant English NHS body*” means (a) a [NHS] trust (see [s] 25 of the [NHS] Act 2006 (c. 41)), all or most of whose hospitals, establishments and facilities are situated in England, (b) (c) an NHS foundation trust (see [s] 30 of that Act), “*relevant Welsh NHS body*” means (a) a [NHS] trust (see [s] 18 of the [NHS] (Wales) Act 2006 (c. 42)), all or most of whose hospitals, establishments and facilities are situated in Wales, or (b) a Local Health Board (see [s] 11 of that Act), “*vehicle*” includes an air ambulance, “*Welsh NHS premises*” means (a) any hospital vested in, or managed by, a relevant Welsh NHS body, (b) any building or other structure, or vehicle, associated with the hospital and situated on hospital grounds (whether or not vested in, or managed by, a relevant Welsh NHS body), and (c) the hospital grounds.

S 120. **Power to remove person causing nuisance or disturbance.** (1) If a [PO] reasonably suspects that a person is committing or has committed an offence under [s] 119, the constable may remove the person from the NHS premises concerned. (2) If an authorised officer reasonably suspects that a person is committing or has committed an offence under [s] 119, the authorised officer may (a) remove the person from the NHS premises concerned, or (b) authorise an appropriate NHS staff member to do so. (3) Any person removing another person from NHS premises under this [s] may use reasonable force (if necessary). (4) An authorised officer cannot remove a person under this [s] or authorise another person to do so if the authorised officer has reason to believe that (a) the person to be removed requires medical advice, treatment or care for himself or herself, or (b) the removal of the person would endanger the person's physical or mental health. (5) In this [s] “*appropriate NHS staff member*” (a) in relation to English NHS premises, means an English NHS staff member, and (b) in relation to Welsh NHS premises, means a Welsh NHS staff member, “*authorised officer*” (a) in relation to English NHS premises, means any English NHS staff member authorised by a relevant English NHS body to exercise the powers which are conferred by this section on an authorised officer in respect of English NHS premises, and (b) in relation to Welsh NHS premises, means any Welsh NHS staff member authorised by a relevant Welsh NHS body to exercise the powers which are conferred by this [s] on an authorised officer in respect of Welsh NHS premises, “*English NHS staff member*” means a person employed by a relevant English NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise), “*Welsh NHS staff member*” means a person employed by a relevant Welsh NHS body or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise). (6) Terms defined in [s] 119 have the same meaning in this [s] as in that [s].

S 121. **Remove etc.** (1) The appropriate national authority may from time to time prepare and publish guidance to relevant NHS bodies and authorised officers about the powers in [s] 120. (2) Such guidance may, in particular, relate to (a) the authorisation by relevant NHS bodies of authorised officers, (b) the authorisation by authorised officers of appropriate NHS staff members to remove persons under [s] 120, (c) training requirements for authorised officers and persons authorised by them to remove persons under [s] 120, (d) matters that may be relevant to a consideration by authorised officers for the purposes of [s] 120 of whether offences are being, or have been, committed under [s] 119, (e) matters to be taken into account by authorised officers in deciding whether there is reason to believe that a person requires medical advice, treatment or care for himself or herself or that the removal of a person would endanger the person's physical or mental health, (f) the procedure to be followed by authorised officers or persons authorised by them before using the power of removal in [s] 120, (g) the degree of force that it may be appropriate for authorised officers or persons authorised by them to use in particular circumstances, (h) arrangements for ensuring that persons on NHS premises are aware of the offence in [s] 119 and the powers of removal in [s] 120, or (i) the keeping of records. (3) Before publishing guidance under this [s], the appropriate national authority must consult such persons as the authority considers appropriate. (4) A relevant NHS body and an authorised officer must, when exercising functions under, or in connection with, [s] 120, have regard to any guidance published by the appropriate national authority under this [s]. (5) In this [s] “*appropriate national authority*” (a) in relation to a relevant English NHS body and authorised officers in respect of English NHS premises, means the [SS], and (b) in relation to a relevant Welsh NHS body and authorised officers in respect of Welsh NHS premises, means the Welsh Ministers, “*appropriate NHS staff member*” and “*authorised officer*” have the same meaning as in [s] 120, “*relevant NHS body*” means a relevant English NHS body or a relevant Welsh NHS body. (6) Terms defined in [s] 119 have the same meaning in this [s] as in that [s].

S 122. **Nuisance or disturbance on NHS premises.** [Sch] 21 makes provision for [NI] corresponding to the provision made for [E&W] by sections 119 to 121.

### **Legal Aid, Sentencing and Punishment of Offenders Act 2012**

S 144. **Offence of squatting in a residential building** (1) A person commits an offence if (a) the person is in a residential building as a trespasser having entered it as a trespasser, (b) the person knows or ought to know that he or she is a trespasser, and (c) the person is living in the

building or intends to live there for any period. (2) The offence is not committed by a person holding over after the end of a lease or licence (even if the person leaves and re-enters the building). (3) For the purposes of this [s] (a) “*building*” includes any structure or part of a structure (including a temporary or moveable structure), and (b) a building is “*residential*” if it is designed or adapted, before the time of entry, for use as a place to live. (4) For the purposes of this [s] the fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser. (5) A person convicted of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 5 [] (or both). (6) (*amends*). (7) For the purposes of [ss] (1)(a) it is irrelevant whether the person entered the building as a trespasser before or after the commencement of this [s]...(*amends*)

### **Public Order Act 2023**

**S 1. Offence of locking on.** (1) A person commits an offence if (a) they (i) attach themselves to another person, to an object or to land, (ii) attach a person to another person, to an object or to land, or (iii) attach an object to another object or to land, (b) that act causes, or is capable of causing, serious disruption to (i) two or more individuals, or (ii) an organisation, in a place other than a dwelling, and (c) they intend that act to have a consequence mentioned in [para] (b) or are reckless as to whether it will have such a consequence. (2) It is a defence for a person charged with an offence under [ss] (1) to prove that they had a reasonable excuse for the act mentioned in [para] (a) of that [ss]. (3) A person who commits an offence under [ss] (1) is liable on [SC] to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both. (4) In [ss] (3), “*the maximum term for summary offences*” means (a) if the offence is committed before the time when s 281(5) of the Criminal Justice Act 2003 (*alteration of penalties for certain summary offences: [E&W]*) comes into force, [6] months; (*spent*) (b) if the offence is committed after that time, 51 weeks. (5) In this [s] “*dwelling*” means (a) a building or structure which is used as a dwelling, or (b) a part of a building or structure, if the part is used as a dwelling, and includes any yard, garden, grounds, garage or outhouse belonging to and used with a dwelling.

**S 2. Offence of being equipped for locking on.** (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under [s] 1(1) (*offence of locking on*). (2) A person who commits an offence under [ss] (1) is liable on [SC] to a fine. (3) In this [s] “*dwelling*” has the same meaning as in [s] 1.

**S 3. Offence of causing serious disruption by tunnelling.** (1) A person commits an offence if (a) they create, or participate in the creation of, a tunnel, (b) the creation or existence of the tunnel causes, or is capable of causing, serious disruption to (i) two or more individuals, or (ii) an organisation, in a place other than a dwelling, and (c) they intend the creation or existence of the tunnel to have a consequence mentioned in [para] (b) or are reckless as to whether its creation or existence will have such a consequence. (2) It is a defence for a person charged with an offence under [ss] (1) to prove that they had a reasonable excuse for creating, or participating in the creation of, the tunnel. (3) Without prejudice to the generality of [ss] (2), a person is to be treated as having a reasonable excuse for the purposes of that [ss] if the creation of the tunnel was authorised by a person with an interest in land which entitled them to authorise its creation. (4) A person who commits an offence under [ss] (1) is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both. (5) For the purposes of this [s] (a) “*tunnel*” means an excavation that extends beneath land, whether or not (i) it is big enough to permit the entry or passage of an individual, or (ii) it leads to a particular destination; (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not (i) any tunnel with which it is intended to connect has already been created, or (ii) it is big enough to permit the entry or passage of an individual. (6) References in this [s] to the creation of an excavation include (a) the extension or enlargement of an excavation, and (b) the alteration of a natural or artificial underground feature. (7) This [s] does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling. (8) In this [s] “*dwelling*” has the same meaning as in [s] 1 (*offence of locking on*).

**S 4. Offence of causing serious disruption by being present in a tunnel.** (1) A person commits an offence if (a) they are present in a relevant tunnel having entered it after the coming into force of this [s], (b) their presence in the tunnel causes, or is capable of causing, serious disruption to (i) two or more individuals, or (ii) an organisation, in a place other than a dwelling, and (c) they intend their presence in the tunnel to have a consequence mentioned in [para] (b) or are reckless as to whether their presence there will have such a consequence. (2) It is a defence for a person charged with an offence under [ss] (1) to prove that they had a reasonable excuse for their presence in the tunnel. (3) Without prejudice to the generality of [ss] (2), a person (“*P*”) is to be treated as having a reasonable excuse for the purposes of that [ss] if P’s presence in the tunnel was authorised by a person with an interest in land which entitled them to authorise P’s presence there. (4) A person who commits an offence under [ss] (1) is liable (a) on [SC] to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years, to a fine or to both. (5) For the purposes of this [s] (a) “*tunnel*” means an excavation that extends beneath land, whether or not it leads to a particular destination; (b) an excavation which is created with the intention that it will become or connect with a tunnel is to be treated as a tunnel, whether or not any tunnel with which it is intended to connect has already been created. (6) In this [s] “*relevant tunnel*” means a tunnel that was created for the purposes of, or in connection with, a protest (and it does not matter whether an offence has been committed under [s] 3 in relation to the creation of the tunnel). (7) References in this [s] to the creation of an excavation include (a) the extension or enlargement of an excavation, and (b) the alteration of a natural or artificial underground feature. (8) This [s] does not apply in relation to a tunnel if or to the extent that it is in or under a dwelling. (9) In this [s] “*dwelling*” has the same meaning as in [s] 1 (*offence of locking on*).

**S 5. Offence of being equipped for tunnelling etc.** (1) A person commits an offence if they have an object with them in a place other than a dwelling with the intention that it may be used in the course of or in connection with the commission by any person of an offence under [s] 3(1) or 4(1) (*offences relating to tunnelling*). (2) A person who commits an offence under [ss] (1) is liable on [SC] to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both. (3) In [ss] (2), “*the maximum term for summary offences*” means (a) if

the offence is committed before the time when [s] 281(5) of the Criminal Justice Act 2003 (*alteration of penalties for certain summary offences: [E&W]*) comes into force, [6] months; (spent) (b) if the offence is committed after that time, 51 weeks. (4) In this [s] “dwelling” has the same meaning as in [s] 1 (*offence of locking on*).

S 6. **Obstruction etc of major transport works.** (1) A person commits an offence if the person (a) obstructs the undertaker or a person acting under the authority of the undertaker (i) in setting out the lines of any major transport works, (ii) in constructing or maintaining any major transport works, or (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction or maintenance of any major transport works, or (b) interferes with, moves or removes any apparatus which (i) relates to the construction or maintenance of any major transport works, and (ii) belongs to a person within [ss] (5). (2) It is a defence for a person charged with an offence under [ss] (1) to prove that (a) they had a reasonable excuse for the act mentioned in [para] (a) or (b) of that [ss], or (b) the act mentioned in [para] (a) or (b) of that [ss] was done wholly or mainly in contemplation or furtherance of a trade dispute. (3) A person who commits an offence under [ss] (1) is liable on [SC] to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both. (4) In [ss] (3) “the maximum term for summary offences” means (a) if the offence is committed before the time when [s]281(5) of the Criminal Justice Act 2003 (*alteration of penalties for certain summary offences: [E&W]*) comes into force, [6] months; (spent) (b) if the offence is committed after that time, 51 weeks. (5) The following persons are within this [ss] (a) the undertaker; (b) a person acting under the authority of the undertaker; (c) a statutory undertaker; (d) a person acting under the authority of a statutory undertaker. (6) In this [s] “major transport works” means (a) works in [E&W] (i) relating to transport infrastructure, and (ii) the construction of which is authorised directly by an Act of Parliament, or (b) works the construction of which comprises development within [ss] (7) that has been granted development consent by an order under [s] 114 of the Planning Act 2008. (7) Development is within this [ss] if (a) it is or forms part of a nationally significant infrastructure project within any of [paras] (h) to (l) of [s] 14(1) of the Planning Act 2008, (b) it is or forms part of a project (or proposed project) in the field of transport in relation to which a direction has been given under [s] 35(1) of that Act (directions in relation to projects of national significance) by the [SS], or (c) it is associated development in relation to development within [para] (a) or (b). (8) In this [s] “undertaker”(a) in relation to major transport works within subsection (6)(a), means a person who is authorised by or under the Act (*whether as a result of being appointed the nominated undertaker for the purposes of the Act or otherwise*) to construct or maintain any of the works; (b) in relation to major transport works within [ss] (6)(b), means a person who is constructing or maintaining any of the works (whether as a result of being the undertaker for the purposes of the order granting development consent or otherwise). (9) In this [s] “associated development” has the same meaning as in the Planning Act 2008 (see [s] 115 of that Act); “development” has the same meaning as in the Planning Act 2008 (see [s] 32 of that Act); “development consent” has the same meaning as in the Planning Act 2008 (see [s] 31 of that Act); “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see [s] 322 of that Act); “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly; “nationally significant infrastructure project” has the same meaning as in the Planning Act 2008 (see [s] 14(1) of that Act); “statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990; “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that [s] 218 of that Act is to be read as if (a) it made provision corresponding to [s] 244(4) of that Act, and (b) in [ss] (5), the definition of worker included any person falling within [para] (b) of the definition of worker in [s] 244(5) of that Act; “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see [s] 322 of that Act).(10) (*amends*).

S 7. **Interference with use or operation of key national infrastructure.** (1) A person commits an offence if (a) they do an act which interferes with the use or operation of any key national infrastructure in [E&W], and (b) they intend that act to interfere with the use or operation of such infrastructure or are reckless as to whether it will do so. (2) It is a defence for a person charged with an offence under [ss] (1) to prove that (a) they had a reasonable excuse for the act mentioned in [para] (a) of that [ss], or (b) the act mentioned in [para] (a) of that [ss] was done wholly or mainly in contemplation or furtherance of a trade dispute. (3) A person who commits an offence under [ss] (1) is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, to a fine or to both. (4) For the purposes of [ss] (1) a person’s act interferes with the use or operation of key national infrastructure if it prevents the infrastructure from being used or operated to any extent for any of its intended purposes. (5) The cases in which infrastructure is prevented from being used or operated for any of its intended purposes include where its use or operation for any of those purposes is significantly delayed. (6) In this [s] “key national infrastructure” means (a) road transport infrastructure, (b) rail infrastructure, (c) air transport infrastructure, (d) harbour infrastructure, (e) downstream oil infrastructure, (f) downstream gas infrastructure, (g) onshore oil and gas exploration and production infrastructure, (h) onshore electricity generation infrastructure, or (i) newspaper printing infrastructure. [s] 8 makes further provision about these kinds of infrastructure. (7) The [SS] may by regulations made by [SI] (a) amend [ss] (6) to add a kind of infrastructure or to vary or remove a kind of infrastructure; (b) amend [s] 8 to add, amend or remove provision about a kind of infrastructure which is in, or is to be added to, [ss] (6) or is to be removed from that [ss]. (8) *Regulations under [ss] (7) (a) may make different provision for different purposes; (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.* (9) *A [SI] containing regulations under [ss] (7) may not be made unless a draft of the [SI] has been laid before and approved by a resolution of each House of Parliament.* (10) In this [s] “England” includes the English inshore region within the meaning of the Marine and Coastal Access Act 2009 (see [s] 322 of that Act); “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that [s] 218 of that Act is to be read as if (a) it made provision corresponding to [s] 244(4) of that Act, and (b) in [ss] (5), the definition of worker included any person falling within [para] (b) of the definition of worker in [s] 244(5) of that Act; “Wales” includes the Welsh inshore region within the meaning of the Marine and Coastal Access Act 2009 (see [s] 322 of that Act). \*

S 8. **Key national infrastructure.** (1) This [s] has effect for the purposes of [s] 7.(2) “*Road transport infrastructure*” means (a) a special road within the meaning of the Highways Act 1980 (see [s] 329(1) of that Act), or (b) a road which, under the system for assigning identification numbers to roads administered by the [SS] or the Welsh Ministers, has for the time being been assigned a number prefixed by A or B. (3) “*Rail infrastructure*” means infrastructure used for the purposes of railway services within the meaning of Part 1 of the Railways Act 1993 (see [s] 82 of that Act). (4) In the application of [s] 82 of the Railways Act 1993 for the purposes of [ss] (3) “*railway*” has the wider meaning given in [s] 81(2) of that Act. (5) “*Air transport infrastructure*” means (a) an airport within the meaning of the Airports Act 1986 (see [s] 82(1) of that Act), or (b) any infrastructure which (i) does not form part of an airport within the meaning of that Act, and (ii) is used for the provision of air traffic services within the meaning of Part 1 of the Transport Act 2000 (see [s] 98 of that Act). (6) “*Harbour infrastructure*” means a harbour within the meaning of the Harbours Act 1964 (see [s] 57(1) of that Act) which provides facilities for or in connection with (a) the embarking or disembarking of passengers who are carried in the course of a business, or (b) the loading or unloading of cargo which is carried in the course of a business. (7) “*Downstream oil infrastructure*” means infrastructure used for or in connection with any of the following activities (a) the refinement or other processing of crude oil or oil feedstocks; (b) the storage of crude oil or crude oil-based fuel for onward distribution, other than storage by a person who supplies crude oil-based fuel to the public where the storage is for the purposes of such supply; (c) the loading or unloading of crude oil or crude oil-based fuel for onward distribution, other than unloading to a person who supplies crude oil-based fuel to the public where the unloading is for the purposes of such supply; (d) the carriage, by road, rail, sea or inland waterway, of crude oil or crude oil-based fuel for the purposes of onward distribution; (e) the conveyance of crude oil or crude oil-based fuel by means of a pipe-line within the meaning of the Pipe-lines Act 1962 (see [s] 65 of that Act). (8) “*Downstream gas infrastructure*” means infrastructure used for or in connection with any of the following activities (a) the processing of gas; (b) the storage of gas for onward conveyance, other than storage by a person who supplies gas to the public otherwise than by means of a pipe-line where the storage is for the purposes of such supply; (c) the import or export of liquid gas; (d) the carriage, by road or rail, of gas for the purposes of onward distribution; (e) the conveyance of gas by means of a pipe-line. (9) In [ss] (8) “*gas*” has the same meaning as in [s] 12 of the Gas Act 1995; “*pipe-line*” has the same meaning as in the Pipe-lines Act 1962 (see [s] 65 of that Act). (10) “*Onshore oil and gas exploration and production infrastructure*” means onshore infrastructure used for or in connection with (a) searching or boring for petroleum, or (b) getting petroleum.(11) In [ss] (10) “*onshore infrastructure*” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); “*petroleum*” has the same meaning as in Part 1 of the Petroleum Act 1998 (see [s] 1 of that Act). (12) “*Onshore electricity generation infrastructure*” means onshore infrastructure (a) used for or in connection with the generation of electricity for the purpose of giving a supply to any premises or enabling a supply to be so given, and (b) which has a total installed capacity equal to or greater than 100 megawatts. (13) In [ss] (12) “*onshore infrastructure*” means infrastructure situated on land (excluding land covered by the sea or any tidal waters); “*supply*”, in relation to electricity, has the same meaning as in Part 1 of the Electricity Act 1989 (see [s] 4(4) of that Act). (14) “*Newspaper printing infrastructure*” means infrastructure the primary purpose of which is the printing of one or more national or local newspapers. (15) In [ss] (14) “*local newspaper*” means a newspaper which is published at least fortnightly and is in circulation in a part of [E&W]; “*national newspaper*” means a newspaper which is published at least fortnightly and is in circulation in England, in Wales or in both; “*newspaper*” includes a periodical or magazine.

S. 9. **Offence of interference with access to or provision of abortion services.** [See final article on Crimes against the Person Act].

S 11. **Powers to stop and search without suspicion.** (1) This [s] applies if a [PO] of or above the rank of inspector reasonably believes (a) that any of the following offences may be committed in any locality within the officer’s police area (i) an offence under section 137 of the Highways Act 1980 (wilful obstruction) involving activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation; (ii) an offence under [s] 78 of the Police, Crime, Sentencing and Courts Act 2022 (intentionally or recklessly causing public nuisance); (iii) an offence under [s] 1 (offence of locking on); (iv) an offence under [s] 3 (offence of causing serious disruption by tunnelling); (v) an offence under [s] 4 (offence of causing serious disruption by being present in a tunnel); (vi) an offence under [s] 6 (obstruction etc of major transport works); (vii) an offence under [s] 7 (interference with use or operation of key national infrastructure), or (b) that persons are carrying prohibited objects in any locality within the officer’s police area. (2) In this [s] “*prohibited object*” means an object which (a) is made or adapted for use in the course of or in connection with an offence within [ss] (1)(a), or (b) is intended by the person having it with them for such use by them or by some other person, and for the purposes of this [s] a person carries a prohibited object if they have it in their possession. (3) If the further condition in [ss] (4) is met, the [PO] may give an authorisation that the powers conferred by this [s] are to be exercisable (a) anywhere within a specified locality within the officer’s police area, and (b) for a specified period not exceeding 24 hours. (4) The further condition is that the [PO] reasonably believes that (a) the authorisation is necessary to prevent the commission of offences within [ss] (1)(a) or the carrying of prohibited objects (as the case may be), (b) the specified locality is no greater than is necessary to prevent such activity, and (c) the specified period is no longer than is necessary to prevent such activity. (5) If it appears to a [PO] of or above the rank of superintendent that it is necessary to do so to prevent the commission of offences within [s] (1)(a) or the carrying of prohibited objects, the officer may direct that the authorisation is to continue in force for a further period not exceeding 24 hours. (6) This [s] confers on any [PO] in uniform power (a) to stop any person and search them or anything carried by them for a prohibited object; (b) to stop any vehicle and search the vehicle, its driver and any passenger for a prohibited object. (7) A [PO] may, in the exercise of the powers conferred by [ss] (6), stop any person or vehicle and make any search the [PO] thinks fit whether or not the [PO] has any grounds for suspecting that the person or vehicle is carrying a prohibited object. (8) If in the course of a search under this [s] a [PO] discovers an object which the constable has reasonable grounds for suspecting to be a prohibited object, the [PO] may seize it. (9) This [s] and sections 12 (further provisions about authorisations and directions under this [s]), 13 (further provisions about searches under this [s]) and 14 (offence relating to this [s]) apply (with the necessary modifications) to ships, aircraft and hovercraft as they apply to vehicles. (10) In this [s] and the sections mentioned in [ss] (9) “*specified*” means specified in an authorisation under

this [s]; “vehicle” includes a caravan as defined in [s] 29(1) of the Caravan Sites and Control of Development Act 1960. (11) The powers conferred by this [s] and the sections mentioned in [ss] (9) do not affect any power conferred otherwise than by this [s] or those sections. \*

S 12. **Further provisions about authorisations and directions under [s] 11.** (1) If an inspector gives an authorisation under [s] 11, the inspector must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed. (2) An authorisation under [s] 11 must (a) be given in writing signed by the officer giving it, (b) specify the grounds on which it is given, and (c) specify the locality in which and the period during which the powers conferred by that [s] are exercisable. (3) A direction under [s] 11(5) must (a) be given in writing, or (b) where it is not practicable to comply with [para] (a), be recorded in writing as soon as it is practicable to do so. (4) References (however expressed) in [s] 11 or this [s] to a [PO] of or above a particular rank include references to a member of the [BTP] Force of or above that rank. (5) In the application of [s] 11 to a member of the [BTP] Force by virtue of [ss] (4), references to a locality within the officer’s police area are to be read as references to a place in [E & W] of a kind mentioned in [s] 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

S 13. **Further provisions about searches under [s] 11.** (1) A person who is searched by a [PO] under [s] 11 is entitled to obtain a written statement that the person was searched under the powers conferred by that [s]. (2) [ss] (1) applies only if the person applies for the statement within the period of 12 months beginning with the day on which the person was searched. (3) Where a vehicle is stopped by a [PO] under [s] 11, the driver is entitled to obtain a written statement that the vehicle was stopped under the powers conferred by that [s]. (4) [ss] (3) applies only if the driver applies for the statement within the period of 12 months beginning with the day on which the vehicle was stopped. (5) Any object seized by a [PO] under [s] 11 may be retained in accordance with regulations made by the [SS]. (6) *The [SS] may make regulations regulating the retention and safe keeping, and the disposal or destruction in circumstances prescribed in the regulations, of such an object.* (7) *Regulations under this [s] are to be made by [SI].* (8) *Regulations under this [s] (a) may make different provision for different purposes; (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.* (9) *A [SI] containing regulations under this [s] is subject to annulment in pursuance of a resolution of either House of Parliament.* \*

S 14. **Offence relating to [s] 11.** (1) A person commits an offence if the person intentionally obstructs a [PO] in the exercise of the constable’s powers under [s] 11. (2) A person who commits an offence under [ss] (1) is liable on [SC] to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 [ ] or to both. (3) In relation to an offence committed before the coming into force of [s] 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: [E&W]), the reference in [ss] (2) to 51 weeks is to be read as a reference to 1 month.

S 17. **Exercise of police powers in relation to journalists etc.** (1) A [PO] may not exercise a police power for the sole purpose of preventing a person from observing or reporting on a protest. (2) A [PO] may not exercise a police power for the sole purpose of preventing a person from observing or reporting on the exercise of a police power in relation to (a) a protest-related offence, (b) a protest-related breach of an injunction, or (c) activities related to a protest. (3) This [s] does not affect the exercise by a [PO] of a police power for any purpose for which it may be exercised apart from this [s]. (4) In this [s] “injunction” means an injunction granted by the High Court, the county court or a youth court; “police power” means a power which is conferred on a [PO] by or by virtue of an enactment or by a rule of law; “protest-related breach”, in relation to an injunction, means a breach which is directly related to a protest; “protest-related offence” means an offence which is directly related to a protest.

S 18. **Power of [SS] to bring proceedings.** (1) [ss] (4) applies where (a) the [SS] reasonably believes that one or more persons are carrying out, or are likely to carry out, activities related to a protest, and (b) the condition in [ss] (2) or (3) is met. (2) The condition in this [ss] is that the [SS] reasonably believes that the activities are causing, or are likely to cause, serious disruption to (a) the use or operation of any key national infrastructure in [E&W], or (b) access to any essential goods, or to any essential service, in [E&W]. (3) The condition in this [ss] is that the [SS] reasonably believes that the activities are having, or are likely to have, a serious adverse effect on public safety in [E&W]. (4) Where this [ss] applies and the [SS] considers that it is expedient in the public interest to do so, the [SS] may bring civil proceedings relating to the activities in the name of the [SS]. (5) Before bringing proceedings under [ss] (4) in relation to any activities the [SS] must consult such persons (if any) as the [SS] considers appropriate, having regard to any persons who may also bring civil proceedings in relation to those activities. (6) The bringing of proceedings by the [SS] under [ss] (4) in relation to any activities does not affect the ability of any other person to bring civil proceedings in relation to those activities. (7) The reference in [ss] (1)(a) to “activities” does not include a reference to activities carried out or likely to be carried out wholly or mainly in contemplation or furtherance of a trade dispute. (8) In this [s] “key national infrastructure” has the same meaning as in [s] 7 (key national infrastructure); “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that [s] 218 of that Act is to be read as if (a) it made provision corresponding to [s] 244(4) of that Act, and (b) in [ss] (5), the definition of worker included any person falling within [para] (b) of the definition of worker in [s] 244(5) of that Act.

S 19. **Injunctions in [SS] proceedings: power of arrest and remand.** (1) This [s] applies to proceedings brought by the [SS] under [s] 18 (power of [SS] to bring proceedings). (2) If the court grants an injunction which prohibits conduct which (a) is capable of causing nuisance or annoyance to a person, or (b) is capable of having a serious adverse effect on public safety, it may, if [ss] (3) applies, attach a power of arrest to any provision of the injunction. (3) This [ss] applies if the [SS] applies to the court to attach the power of arrest and the court thinks that (a) the conduct mentioned in [ss] (2) consists of or includes the use or threatened use of violence, or (b) there is a significant risk of harm to (i) in the case of conduct mentioned in [ss] (2)(a), the person mentioned in that provision, and (ii) in the case of conduct mentioned in [ss] (2)(b), the public or a section of the public. (4) Where a power of arrest is attached to any provision of an injunction under [ss] (2), a [PO] may arrest without warrant a person whom the [PO] has reasonable cause for suspecting to be in breach of that provision. (5) After making an arrest under [ss] (4) the [PO] must as soon as is reasonably practicable inform the [SS]. (6) Where a person is arrested under [ss] (4) (a) the person must appear before the court within the period of 24 hours beginning at the time of arrest, and (b) if the matter is not then disposed of forthwith, the

court may remand the person. (7) For the purposes of [ss] (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account is to be taken of Christmas Day, Good Friday or any Sunday. (8) The [sch] applies in relation to the power to remand under [ss] (6). (9) If the court has reason to consider that a medical report will be required, the power to remand a person under [ss] (6) may be exercised for the purpose of enabling a medical examination and report to be made. (10) If such a power is so exercised the adjournment is not to be in force (a) for more than [3] weeks at a time in a case where the court remands the accused person in custody, or (b) for more than [4] weeks at a time in any other case. (11) If there is reason to suspect that a person who has been arrested under [ss] (4) is suffering from mental disorder within the meaning of the Mental Health Act 1983 the court is to have the same power to make an order under [s] 35 of that Act (*remand for report on accused's mental condition*) as the Crown Court has under that [s] in the case of an accused person within the meaning of that section. (12) In this [s] "harm" includes serious ill-treatment or abuse (whether physical or not); "the court" means the High Court or the county court and includes (a) in relation to the High Court, a judge of that court, and (b) in relation to the county court, a judge of that court.

S 20. **[SDPO] made on conviction.** (1) This [s] applies where (a) a person aged 18 or over ("P") is convicted of an offence ("the current offence") which was committed on or after the day on which this [s] comes into force, and (b) the prosecution applies for a serious disruption prevention order [SDPO] to be made in respect of P. (2) The court dealing with P in respect of the current offence may make a [SDPO] in respect of P if (a) the court is satisfied on the balance of probabilities that the current offence is a protest-related offence (see [s] 32 (*interpretation*)), (b) the condition in [ss] (3) is met, and (c) the court considers it necessary to make the [SDPO] for a purpose mentioned in [ss] (5). (3) The condition in this [ss] is that the court is satisfied on the balance of probabilities that (a) within the relevant period, P has (i) committed another protest-related offence for which P was convicted, or (ii) committed a protest-related breach of an injunction (see [s] 32 (*interpretation*)) for which P was found in contempt of court, (b) the current offence and P's conduct mentioned in [para] (a) (i) relate to different protests, or (ii) took place on different days, and (c) P's conduct mentioned in [para] (a) has not been taken into account when making any previous [SDPO] in respect of P. (4) In [ss] (3) "the relevant period" means the period of 5 years ending with the day on which P is convicted of the current offence; but P's conduct may be taken into account for the purposes of this [s] only if it took place (a) on or after the day on which this [s] comes into force, and (b) when P was aged 16 or over. (5) The purposes are (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction; (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W]; (c) to prevent P from causing or contributing to (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W]; (d) to protect two or more individuals, or an organisation, in [E&W] from the risk of serious disruption arising from (i) a protest-related offence, (ii) a protest-related breach of an injunction, or (iii) activities related to a protest. (6) A [SDPO] under this [s] is an order which, for a purpose mentioned in [ss] 5 (a) requires P to do anything described in the order; (b) prohibits P from doing anything described in the order. (7) The court may make a [SDPO] in respect of P only if it is made in addition to (a) a sentence imposed in respect of the current offence, or (b) an order discharging P conditionally. (8) For the purpose of deciding whether to make a [SDPO] the court may consider evidence led by the prosecution or P. (9) It does not matter whether the evidence would have been admissible in the proceedings for the current offence. (10) The court may adjourn any proceedings on an application for a [SDPO] even after sentencing P. (11) If P does not appear for any adjourned proceedings the court may (a) further adjourn the proceedings, (b) issue a warrant for P's arrest, or (c) hear the proceedings in P's absence. (12) The court may not act under [ss] (11)(b) unless it is satisfied that P has had adequate notice of the time and place of the adjourned proceedings. (13) The court may not act under [ss] (11)(c) unless it is satisfied that P (a) has had adequate notice of the time and place of the adjourned proceedings, and (b) has been informed that if P does not appear for those proceedings the court may hear the proceedings in P's absence. (14) On making a [SDPO] the court must in ordinary language explain to P the effects of the order. (15) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this [s] to have been committed on the last of those days.

S 21. **[SDPO] made on application** (1) A magistrates' court may make a serious disruption prevention order in respect of a person ("P") where (a) a person within [ss] (7) applies by complaint to the court for a [SDPO] to be made in respect of P, (b) P is aged 18 or over when the application is made, (c) the condition in [ss] (2) is met, and (d) the court considers it necessary to make the order for a purpose mentioned in [ss] (4). (2) The condition in this [ss] is that the court is satisfied on the balance of probabilities that (a) on at least two occasions in the relevant period, P has (i) committed a protest-related offence for which P was convicted, or (ii) committed a protest-related breach of an injunction for which P was found in contempt of court, (b) P's conduct in relation to each occasion mentioned in [para] (a) (i) related to a different protest, or (ii) took place on a different day, and (c) P's conduct in relation to each occasion mentioned in [para] (a) has not been taken into account when making any previous serious disruption prevention order in respect of P. (3) In [ss] (2) "the relevant period" means the period of 5 years ending with the day on which the order is made; but P's conduct may be taken into account for the purposes of this [s] only if it took place (a) on or after the day on which this [s] comes into force, and (b) when P was aged 16 or over. (4) The purposes are (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction; (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W]; (c) to prevent P from causing or contributing to (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W]; (d) to protect two or more individuals, or an organisation, in [E&W] from the risk of serious disruption arising from (i) a protest-related offence, (ii) a protest related-breach of an injunction, or (iii) activities related to a protest. (5) A [SDPO] under this [s] is an order which, for a purpose mentioned in [ss] (4) (a) requires P to do anything described in the order; (b) prohibits P from doing anything described in the order. (6) On making a [SDPO] the court must in ordinary language explain to P the effects of the order. (7) The following persons are within this [ss] (a) a relevant [CPO]; (b) the [CC] of the [BTP] Force; (c) the [CC] of the [CNC]; (d) the [CC] of the [MOD] Police. (8) For the purposes

of [ss] (7)(a) a [CPO] is a relevant [CPO] in relation to an application for a [SDPO] in respect of P if (a) P lives in the [CPO's] police area, or (b) the [CPO] believes that P is in, or is intending to come to, the [CPOs] police area. (9) An application for a [SDPO] made by a [CPO] for a police area may be made only to a court acting for a local justice area that includes any part of that police area. (10) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this [s] to have been committed on the last of those days. (11) [s] 127 of the Magistrates' Courts Act 1980 (*time limits*) does not apply to a complaint under this [s].

S 22. **Provisions of [SDPO].** (1) The only requirements and prohibitions that may be imposed on a person by a [SDPO] are those which the court making the order thinks are necessary for a purpose mentioned in [s] 20(5) or 21(4) (as the case may be). (2) The requirements imposed on a person ("P") by a [SDPO] may, in particular, have the effect of requiring P (a) to present themselves to a particular person at a particular place at, or between, particular times on particular days; (b) to remain at a particular place for particular periods. (3) Sections 23 and 24 make further provision about the inclusion of requirements (including notification requirements) in a [SDPO]. (4) The prohibitions imposed on a person ("P") by a [SDPO] may, in particular, have the effect of prohibiting P from (a) being in or entering a particular place or area; (b) being in or entering a particular place or area between particular times on particular days; (c) being in or entering a particular place or area between particular times on any day; (d) being with particular persons; (e) participating in particular activities; (f) having particular articles with them; (g) using the internet to facilitate or encourage persons to (i) commit a protest-related offence or a protest-related breach of an injunction, or (ii) carry out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W]. (5) References in this [s] to a particular place or area or particular persons, activities or articles include a place, area, persons, activities or articles of a particular description. (6) A [SDPO] which imposes prohibitions on a person may include exceptions from those prohibitions. (7) Nothing in this [s] affects the generality of sections 20(6) and 21(5). (8) The requirements or prohibitions which are imposed on a person by a serious disruption prevention order must, so far as practicable, be such as to avoid (a) any conflict with the person's religious beliefs, and (b) any interference with the times, if any, at which the person normally works or attends any educational establishment.

S 23. **Requirements in [SDPO]** (1) A serious disruption prevention order [SDPO] which imposes on a person ("P") a requirement, other than a notification requirement under [s] 24, must specify a person who is to be responsible for supervising compliance with the requirement. (2) That person may be an individual or an organisation. (3) Before including such a requirement, the court must receive evidence about its suitability and enforceability from (a) the individual to be specified under [ss] (1), if an individual is to be specified; (b) an individual representing the organisation to be specified under [ss] (1), if an organisation is to be specified. (4) Before including two or more such requirements, the court must consider their compatibility with each other. (5) It is the duty of a person specified under [ss] (1) (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the "*relevant requirements*"); (b) to promote P's compliance with the relevant requirements; (c) if the person considers that P (i) has complied with all of the relevant requirements, or (ii) has failed to comply with a relevant requirement, to inform the appropriate [CPO] (6) In [ss] (5)(c) "*the appropriate [CPO]*" means (a) the [CPO] for the police area in which it appears to the person specified under [ss] (1) that P lives, or (b) if it appears to that person that P lives in more than one police area, whichever of the [CPOs] of those areas the person thinks it is most appropriate to inform. (7) Where P is subject to a requirement in a [SDPO], other than a notification requirement under [s] 24, P must (a) keep in touch with the person specified under [ss] (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and (b) notify that person of any change of P's home address. (8) The obligations mentioned in [ss] (7) have effect as if they were requirements imposed on P by the order.

S 24. **Notification requirements in [SDPO].** (1) A [SDPO] made in respect of a person ("P") must impose on P the notification requirements in [ss] (2) and (4). (2) P must be required to notify the information in [ss] (3) to the police within the period of 3 days beginning with the day on which the order takes effect. (3) That information is (a) P's name on the day that the notification is given and, where P uses one or more other names on that day, each of those names, (b) P's home address on that day, and (c) the address of any other premises at which, on that day, P regularly resides or stays. (4) P must be required to notify the information in [ss] (5) to the police within the period of 3 days beginning with the day on which P (a) uses a name which has not been previously notified to the police in accordance with the order, (b) changes their home address, or (c) decides to live for a period of one month or more at any premises the address of which has not been previously notified to the police in accordance with the order. (5) That information is (a) in a case within [ss] (4)(a), the name which has not previously been notified, (b) in a case within [ss] (4)(b), the new home address, and (c) in a case within [ss] (4)(c), the address of the premises at which P has decided to live. (6) A [SDPO] must provide that P gives a notification of the kind mentioned in [ss] (2) or (4) by (a) attending at a police station in a police area in which P lives, and (b) giving an oral notification to a [PO], or to any person authorised for the purpose by the officer in charge of the station.

S 25. **Duration of [SDPO].** (1) A [SDPO] takes effect on the day it is made, subject to [ss] (3) and (4). (2) A [SDPO] must specify the period for which it has effect, which must be a fixed period of not less than 1 week and not more than 2 years. (3) [ss] (4) applies in relation to a [SDPO] made in respect of a person ("P") if (a) P has been remanded in or committed to custody by an order of a court, (b) a custodial sentence has been imposed on P or P is serving or otherwise subject to such a sentence, or (c) P is on licence for part of the term of a custodial sentence. (4) The order may provide that it does not take effect until (a) P is released from custody, (b) P ceases to be subject to a custodial sentence, or (c) P ceases to be on licence. (5) A [SDPO] may specify periods for which particular requirements or prohibitions have effect. (6) Where a court makes a [SDPO] in respect of a person and the person is already subject to such an order, the earlier order ceases to have effect. (7) In this [s] "*custodial sentence*" (a) has the same meaning as in the Sentencing Code, and (b) includes a "*pre-Code custodial sentence*" within the meaning of the Sentencing Code (see [s] 222 of the Code).



S 26. **Other information to be included in [SDPO].** A [SDPO] made in respect of a person must specify (a) the reasons for making the order, and (b) the penalties which may be imposed on the person for breaching the order.

S 27. **Offences relating to a [SDPO].** (1) Where a [SDPO] has effect in respect of a person (“P”), P commits an offence if P (a) fails without reasonable excuse to do anything P is required to do by the order, (b) without reasonable excuse does anything P is prohibited from doing by the order, or (c) notifies to the police, in purported compliance with the order, any information which P knows to be false. (2) A person who commits an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both. (3) In [ss] (2) “*the maximum term for summary offences*” means (a) if the offence is committed before the time when [s] 281(5) of the Criminal Justice Act 2003 (*alteration of penalties for certain summary offences: England and Wales*) comes into force, [6] months; (b) if the offence is committed after that time, 51 weeks.

S 28. **Variation, renewal or discharge of [SDPO].** (1) Where a [SDPO] has been made in respect of a person (“P”), a person within [ss] (2) may apply to the appropriate court for an order varying, renewing or discharging the order. (2) Those persons are (a) P; (b) the [CPO] for the police area in which P lives; (c) a [CPO] who believes that P is in, or is intending to come to, the [CPOs] police area; (d) if the application for the order was made by a [CPO] other than one within [para] (b) or (c), the [CPO] by whom the application was made; (e) the [CPO] for a police area in which P committed an offence on the basis of which the order was made; (f) where the order was made following an application by a [PO] within [ss] (3), that [PO]. (3) Those [PO] are (a) the [CC] of the British Transport Police Force; (b) the [CC] of the Civil Nuclear Constabulary; (c) the [CC] of the [MOD] Police. (4) An application under this [s] must be made (a) where the appropriate court is a magistrates’ court, by complaint; (b) in any other case, in accordance with rules of court. (5) Before making a decision on an application under this [s], the court must hear (a) the person making the application, and (b) any other person within [ss] (2) who wishes to be heard. (6) Subject to [ss] s (7) to (9), on an application under this [s] the court may make such order varying, renewing or discharging the [SDPO] as it thinks appropriate. (7) The court may (a) vary a [SDPO] so as to (i) extend the period for which the order has effect, (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or (iii) impose an additional prohibition or requirement on P, or (b) renew a [SDPO], only if it considers that to do so is necessary for a purpose mentioned in [ss] (8). (8) The purposes are (a) to prevent P from committing a protest-related offence or a protest-related breach of an injunction, (b) to prevent P from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W], (c) to prevent P from causing or contributing to (i) the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or (ii) the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in [E&W], or (d) to protect two or more individuals, or an organisation, in [E&W] from the risk of serious disruption arising from (i) a protest-related offence, (ii) a protest-related breach of an injunction, or (iii) activities related to a protest. (9) The court may not renew a [SDPO] more than once. (10) Sections 22 to 26 (other than [s] 24(2) and (3)) have effect in relation to (a) the variation of a [SDPO] so as to (i) extend the period for which the order has effect, (ii) extend the period for which a requirement or prohibition imposed by the order has effect, or (iii) impose an additional prohibition or requirement on P, or (b) the renewal of a [SDPO], as they have effect in relation to the making of such an order. (11) On making an order under this [s] varying or renewing a [SDPO], the court must in ordinary language explain to P the effects of the [SDPO] (as varied or renewed). (12) [s] 127 of the Magistrates’ Courts Act 1980 does not apply to a complaint under this [s]. (13) In this [s] “*the appropriate court*” means (a) where the Crown Court or the Court of Appeal made the order, the Crown Court; (b) where a magistrates’ court made the order and the application is made by P or a [PO] within [ss] (3) (i) that magistrates’ court, or (ii) a magistrates’ court for the area in which P lives; (c) where a magistrates’ court made the order and the application is made by a [CPO] (i) that magistrates’ court, (ii) a magistrates’ court for the area in which P lives, or (iii) a magistrates’ court acting for a local justice area that includes any part of the [CPOs] area.

S 29 **Appeal against [SDPO].** (1) Where a [SDPO] is made under [s] 20 (order on conviction) in respect of a person (“P”), P may appeal against the making of the order as if the order were a sentence passed on P for the offence. (2) Where a [SDPO] is made under [s] 21 (order on application) in respect of a person (“P”), P may appeal to the appropriate court against the making of the order. (3) A person who applied under [s] 21 (*order on application*) for a [SDPO] to be imposed in respect of a person may appeal to the appropriate court against a refusal to make the order. (4) Where an application is made under [s] 28 for an order varying, renewing or discharging a [SDPO] made in respect of a person (“P”) (a) the person who made the application may appeal to the appropriate court against a refusal to make an order under that [s]; (b) P may appeal to the appropriate court against the making of an order under that [s] which was made on the application of a person other than P; (c) a person within [ss] (2) of that [s] (other than P) may appeal to the appropriate court against the making of an order under that [s] which was made on the application of P. (5) In this [s] “*the appropriate court*” means (a) in relation to an appeal under [ss] (2), the Crown Court; (b) in relation to an appeal under [ss] (3) or (4) (i) where the application in question was made to a magistrates’ court, the Crown Court; (ii) where the application in question was made to the Crown Court, the Court of Appeal. (6) On an appeal under this [s] to the Crown Court, the court may make (a) such orders as may be necessary to give effect to its determination of the appeal, and (b) such incidental and consequential orders as appear to it to be appropriate.

S 30. **Guidance.** (1) The [SS] may issue guidance to (a) chief officers of police, (b) the [CC] of the [BTP] Force, (c) the [CC] of the Civil Nuclear Constabulary, and (d) the [CC] of the [MOD] Police, in relation to [SDPO]. (2) The guidance may in particular include (a) guidance about the exercise by [CPOs] and the [CC’s] mentioned in [ss] (1) of their functions under this Part, (b) guidance about identifying persons in respect of whom it may be appropriate for applications for [SDPOs] to be made, and (c) guidance about providing assistance to prosecutors in connection with applications for [SDPOs]. (3) The [SS] may revise any guidance issued under this [s]. (4) The [SS] must arrange for any guidance issued under this [s] to be published. (5) A [CPO] or a [CC] mentioned in [ss] (1) must have regard to any guidance issued under this [s].

S 31. **Guidance: Parliamentary procedure.** (1) Before issuing guidance under [s] 30, the [SS] must lay a draft of the guidance before Parliament. (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued. (3) If no such resolution is made within that period, the [SS] may issue the guidance. (4) In this [s] “*the 40-day period*”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid). (5) In calculating the 40-day period, no account is to be taken of any period during which (a) Parliament is dissolved or prorogued, or (b) both Houses are adjourned for more than 4 days.

S 32. **Interpretation of Part** In this Part “*home address*”, in relation to a person (“P”), means (a) the address of P’s sole or main residence, or (b) if P has no such residence, the address or location of a place where P can regularly be found and, if there is more than one such place, such one of those places as P may select; *injunction*” means an injunction granted by the High Court, the county court or a youth court; “*protest-related breach*”, in relation to an injunction, means a breach which is directly related to a protest; “*protest-related offence*” means an offence which is directly related to a protest.

S 34. **Meaning of serious disruption.** (1) For the purposes of this Act, the cases in which individuals or an organisation may suffer serious disruption include, in particular, where the individuals or the organisation (a) are by way of physical obstruction prevented, or hindered to more than a minor degree, from carrying out (i) their day-to-day activities (including in particular the making of a journey), (ii) construction or maintenance works, or (iii) activities related to such works, (b) are prevented from making or receiving, or suffer a delay that is more than minor to the making or receiving of, a delivery of a time-sensitive product, or (c) are prevented from accessing, or suffer a disruption that is more than minor to the accessing of, any essential goods or any essential service. (2) In this [s] (a) “*time-sensitive product*” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them; (b) a reference to accessing essential goods or essential services includes in particular a reference to accessing (i) the supply of money, food, water, energy or fuel, (ii) a system of communication, (iii) a place of worship, (iv) a transport facility, (v) an educational institution, or (vi) a service relating to health.

#### Appendix 5

#### Football Spectators Act 1989

S 1. **Scope and interpretation of this Part.** (1) This Part of this Act applies in relation to association football matches played in England and Wales which are designated football matches and the following provisions have effect for its interpretation. (2) “*Designated football match*” means any such match of a description for the time being designated for the purposes of this Part by order made by the [SS] or a particular such match so designated. (4) An order under [ss] (2) above (a) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order; and (6) A person is not to be regarded as a “*spectator*” in relation to a designated football match if the principal purpose of his being on the premises is to provide services in connection with the match, or to report on it. (6A) In this Part “*the licensing authority*” means the Sports Grounds Safety Authority (see Part 1 of the Sports Grounds Safety Authority Act 2011). (7) A “*licence to admit spectators*” is a licence granted in respect of any premises by the licensing authority under this Part of this Act authorising the admission to the premises of spectators for the purpose of watching any designated football match played at those premises. (8) Each of the following periods is “*relevant to*” a designated football match, that is to say (a) the period beginning (i) [2] hours before the start of the match, or (ii) [2] hours before the time at which it is advertised to start, or (iii) with the time at which spectators are first admitted to the premises, whichever is the earliest, and ending one hour after the end of the match; (b) where a match advertised to start at a particular time on a particular day is postponed to a later day, or does not take place, the period in the advertised day beginning [2] hours before and ending one hour after that time. (9) A person is a “*responsible person*” in relation to any designated football match at any premises if he is a person concerned in the management of the premises or in the organisation of the match. (10) *The power to make an order under [s] (2) above is exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament.* (11) *The imposition under this Part of this Act of restrictions on the persons who may attend as spectators at any designated football match does not affect any other right of any person to exclude persons from admission to the premises at which the match is played.* \*

S 9. **Offence of admitting spectators to unlicensed premises.** (1) Subject to [ss] (2) below, if persons are admitted as spectators to, or permitted to remain as spectators on, any premises during a period relevant to a designated football match without a licence to admit spectators being in force, any responsible person commits an offence. (2) Where a person is charged with an offence under this [s] it shall be a defence to prove either that the spectators were admitted in an emergency or (a) that the spectators were admitted without his consent; and (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence. (3) A person guilty of an offence under this [s] shall be liable (a) on [SC], to a fine not exceeding the statutory maximum; or (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding [2] years, or to both.

S 10. **Licences to admit spectators: general.** (1) The licensing authority may, on an application duly made by a responsible person, grant a licence to admit spectators to any premises for the purpose of watching any designated football match played at those premises. (2) An application for a licence in respect of any premises shall be made in such manner, in such form and accompanied by such fee as may be determined by the [SS]. (3) The licensing authority shall not refuse to grant a licence without (a) notifying the applicant in writing of the proposed refusal and of the grounds for it; (b) giving him an opportunity to make representations about them within the period of [28] days beginning with the service of the notice; and (c) taking any representations so made into account in making its decision. (4) A licence to admit spectators to any premises may authorise the admission of spectators to watch all designated football matches or specified descriptions of designated football matches or a particular such match. (5) A licence to admit spectators shall be in writing and shall be granted on such terms and conditions as the licensing authority considers appropriate and, if the [SS] gives to the licensing authority a direction under [s] 11 below, the

conditions may include conditions imposing requirements as respects the seating of spectators. (6) A licence to admit spectators may also include conditions requiring specified descriptions of spectators to be refused admittance to the premises to watch designated football matches or specified descriptions of designated football matches or a particular such match. (7) Where a designation order includes the provision authorised by [s] 1(4)(b) above as respects the admission of spectators to any ground as authorised spectators, the licensing authority may, by notice in writing to the licence holder, direct that, for the purposes of any match or description of match specified in the direction, the licence shall be treated as including such specified terms and conditions as respects the admission of spectators as authorised spectators as the licensing authority considers appropriate; and the licence shall have effect, for that purpose, subject to those terms and conditions. (8) It shall be a condition of every licence that any authorised person shall be entitled, on production, if so required, of his authority (a) to enter at any reasonable time any premises on which a designated football match is being or is to be played; (b) to make such inspection of the premises and such inquiries relating to them as he considers necessary for the purposes of this Part of this Act; or (9) A licence to admit spectators shall, unless revoked or suspended under section 12 below or surrendered, remain in force for a specified period. (10) Subject to [ss] (11) below, the licensing authority may at any time, by notice in writing to the licence holder, vary the terms and conditions of the licence. (11) The licensing authority shall not vary the terms or conditions of a licence without (a) notifying the licence holder in writing of the proposed alterations or additions; (b) giving him an opportunity to make representations about them within the period of [21] days beginning with the service of the notice; and (c) taking any representations so made into account in making the decision. (12) In taking any decision under this [s] the licensing authority shall have regard, among the other relevant circumstances, to the following matters or to such of them as are applicable to the decision, that is to say (a) whether the premises and the equipment provided and procedures used at the premises are such as to secure that, except (in the case of the procedures) in an emergency, only authorised spectators are admitted to designated football matches; (c) whether the equipment provided, procedures used and other arrangements in force at the premises are such as are reasonably required to prevent the commission or minimise the effects of offences at designated football matches; and (d) such other considerations as the [SS] determines from time to time and notifies to the licensing authority. (13) Subject to [ss] (14) below, if any term or condition of a licence is contravened any responsible person commits an offence. (14) Where a person is charged with an offence under [ss] (13) above it shall be a defence to prove (a) that the contravention took place without his consent; and (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence. (15) A person guilty of an offence under [ss] (13) above shall be liable, on [SC], to a fine not exceeding level 5 [ ] (16) The fees charged on the issue of licences (a) may be fixed so as to reimburse the licensing authority their expenses under this Part of this Act; and (b) shall be paid by the licensing authority to the [SS]. (17) In this [s] “*authorised person*” means any person authorised by the [SS] or the licensing authority; “*specified*” means specified in the licence or in the case of [ss] (7) in the direction; and “*vary*”, in relation to a licence, includes the addition of further terms or conditions. \*\*

**S 11. Power of [SS] to require conditions in licences relating to seating.** (1) The [SS] may, by order, direct the licensing authority to include in any licence to admit spectators to any specified premises a condition imposing requirements as respects the seating of spectators at designated football matches at the premises; and it shall be the duty of the authority to comply with the direction. (2) The requirements imposed by a condition in pursuance of this [s] may relate to the accommodation to be provided at, or the arrangements to be made as respects the spectators admitted to, the premises. (3) A direction may require the licensing authority to include the condition in the licence when granting it or by way of varying the conditions of a licence. (4) Before giving a direction under this [s] in relation to any premises the [SS] shall consult the licensing authority which may, if it thinks fit, make recommendations to him. (5) The licensing authority shall not make any recommendations under subsection (4) above without consulting the local authority in whose area the premises are situated. (6) The power to make an order containing a direction under this [s] is exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (7) In this [s] “*local authority*” has the same meaning as in the Safety of Sports Grounds Act 1975. \*\*

**S 12. Licences to admit spectators: revocation and suspension.** (1) The licensing authority may, subject to [ss] (2), (3) and (4) below, at any time, by notice in writing to the holder of a licence to admit spectators, revoke the licence or suspend the licence indefinitely or for such period as the authority considers appropriate. (2) The licensing authority shall not suspend or revoke a licence under this [s] unless satisfied that it is necessary to do so having regard to the matters which are relevant for the purposes of this [s]. (3) The matters which are relevant for the purposes of this [s] are (a) the matters specified in [paras] (a), (b) and (c) of [s] 10(12) above; and (b) such other considerations as the [SS] determines from time to time and notifies to the licensing authority. (4) The licensing authority shall not revoke or suspend a licence to admit spectators without (a) notifying the licence holder of the proposed revocation or suspension and of the grounds for it; (b) giving him an opportunity to make representations about the matter within the period of [21] days beginning with the date of the service of the notice; and (c) taking any representations so made into account in making the decision. (5) The licensing authority may, if satisfied that the urgency of the case so requires, suspend a licence under this [s] without observing the requirements of [ss] (4) above but the authority shall, as soon as is practicable, notify the person to whom the licence was granted of the grounds for the suspension. (6) A licence suspended under this [s] shall during the time of suspension be of no effect. (7) Where a licence has been suspended under this [s] the person to whom the licence was granted may at any time apply to the licensing authority to terminate the suspension and the licensing authority may terminate the suspension if it appears to be appropriate to do so having regard to the relevant matters and after taking into account any representations made by the applicant. \*\*

**S 13. Licensing authority's powers in relation to safety at football grounds.** (1) The licensing authority shall have the function of keeping under review the discharge by local authorities of their functions under the Safety of Sports Grounds Act 1975 in relation to sports grounds at which designated football matches are played and shall have the powers conferred in relation to those functions by the following provisions of this section. (2) The licensing authority may, by notice in writing to the local authority concerned, require the local authority to include in any safety certificate such terms and conditions as are specified in the notice; and it shall be the duty of the local authority to comply with the requirement. (3) Before exercising its power under [ss] (2) above to require the inclusion of specified terms and conditions in any safety certificate, the licensing authority shall consult (a) the local authority; (b) the [COP]; (c) if the local authority are not the fire and rescue authority, the fire

and rescue authority; and (d) if the local authority are not the building authority, the building authority. (4) As respects those terms and conditions, the local authority need not consult the [CPO], the fire and rescue authority or the building authority under [s] 3(3) or 4(8) of the Safety of Sports Grounds Act 1975 before issuing a safety certificate or about any proposal to amend or replace one. (5) A notice under [ss] (2) above may require the issue under that Act of a safety certificate incorporating the specified terms or conditions or the amendment under that Act of a safety certificate so that it incorporates the specified terms or conditions. (6) Any inspector appointed by the licensing authority may, for the purposes of the discharge by the licensing authority of its function under [ss] (1) above, on production, if so required, of his authority (a) enter at any reasonable time any sports ground at which designated football matches are played; (b) make such inspection of the ground and such inquiries relating to the ground as he considers necessary; or (c) examine the safety certificate and any records kept under the Safety of Sports Grounds Act 1975 or this Part of this Act, and take copies of such records. (7) The licensing authority may, by notice in writing to any local authority, require the local authority to furnish to the licensing authority such information relating to the discharge by the local authority of its functions under the Safety of Sports Grounds Act 1975 as is specified in the notice; and it shall be the duty of the local authority to comply with the requirement. (8) [S] 5(3) of the Safety of Sports Grounds Act 1975 (appeals against terms and conditions of safety certificates) shall have effect with the insertion, after [para] (ii), of the words “but not against the inclusion in a safety certificate of anything required to be included in it by the Football Licensing Authority under [s] 13(2) of the Football Spectators Act 1989”. (spent) (9) Any expression used in this [s] and in the Safety of Sports Grounds Act 1975 has the same meaning in this [s] as in that Act. \*\*

S 14. **Main definitions.** (1) This [s] applies for the purposes of this Part. (2) “Regulated football match” means an association football match (whether in the [UK] or elsewhere) which is a prescribed match or a match of a prescribed description. (2A) “Regulated football organisation” means an organisation (whether in the [UK] or elsewhere) which (a) relates to association football, and (b) is a prescribed organisation or an organisation of a prescribed description. (3) “External tournament” means a football competition which includes regulated football matches outside the [UK]. (4) “Banning order” means an order made by the court under this Part which (a) in relation to regulated football matches in the [UK], prohibits the person who is subject to the order from entering any premises for the purpose of attending such matches, and (b) in relation to regulated football matches outside the [UK] requires that person to report at a police station in accordance with this Part. (5) “Control period”, in relation to a regulated football match outside the [UK] means the period (a) beginning [5] days before the day of the match, and (b) ending when the match is finished or cancelled. (6) “Control period”, in relation to an external tournament, means any period described in an order made by the [SS] (a) beginning 5 days before the day of the first football match outside the [UK] which is included in the tournament, and (b) ending when the last football match outside the [UK] which is included in the tournament is finished or cancelled, but, for the purposes of [para] (a), any football match included in the qualifying or pre-qualifying stages of the tournament is to be left out of account. (7) References to football matches are to football matches played or intended to be played. (8) “Relevant offence” means an offence to which [sch] 1 to this Act applies. (9) The [SS] may by regulations amend [para] 1 of [sch] 1 so as to add, modify or remove a reference to an offence or a description of offence. (10) Regulations under [ss] (9) may make consequential amendments to this Act. (11) A [SI] containing regulations under [ss] (9) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. \*

S 14A. **Banning orders [BOs] made on conviction of an offence.** (1) This [s] applies where a person (the “offender”) is convicted of a relevant offence. (2) The court must make a [BO] in respect of the offender unless the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to do so. (3) Where the court does not make a [BO] it must state in open court the reasons for not doing so. (3A) For the purpose of deciding whether to make an order under this [ss] the court may consider evidence led by the prosecution and the defence. (3B) It is immaterial whether evidence led in pursuance of [ss] (3A) would have been admissible in the proceedings in which the offender was convicted. (4) A banning order may only be made under this [s] (a) in addition to a sentence imposed in respect of the relevant offence, or (b) in addition to an order discharging him conditionally. (4A) The court may adjourn any proceedings in relation to an order under this [s] even after sentencing the offender. (4B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest. (4BA) If the court adjourns or further adjourns any proceedings under [ss] (4A) or (4B), the court may remand the offender. (4BB) A person who, by virtue of [ss] (4BA), is remanded on bail may be required by the conditions of his bail (a) not to leave [E&W] before his appearance before the court, and (b) if the control period relates to a regulated football match outside the [UK] or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so. (4C) the court may not issue a warrant under [ss] (4B) above for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings. (5) A [BO] may be made as mentioned in [ss] (4)(b) above in spite of anything in sections 79, 80 and 82 of the Sentencing Code (which relate to orders discharging a person absolutely or conditionally and their effect). (5A) The prosecution has a right of appeal against a failure by the court to make a [BO] under this [s] (a) where the failure is by a magistrates' court, to the Crown Court; and (b) where it is by the Crown Court, to the Court of Appeal. (5B) An appeal under [ss] (5A)(b) may be brought only if the Court of Appeal gives permission or the judge who decided not to make an order grants a certificate that his decision is fit for appeal. (5C) An order made on appeal under this [s] (other than one directing that an application be re-heard by the court from which the appeal was brought) is to be treated for the purposes of this Part as if it were an order of the court from which the appeal was brought. (6) In this [s], “the court” in relation to an offender means (a) the court by or before which he is convicted of the relevant offence, or (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court. \*\*

S 14B. **[BOs] made on a complaint.** (1) An application for a [BO] in respect of any person may be made by (a) the relevant chief officer, or (b) the [DPP], if it appears to him that the condition in [ss] (2) is met. (1A) In [ss] (1) “the relevant chief officer” means (a) the [COP] of any police force maintained for a police area; or (b) the [CC] of the [BTP] Force. (2) That condition is that the respondent has at any time caused or contributed to any violence or disorder in the [UK] or elsewhere. (3) The application is to be made by complaint to a magistrates' court. (4) If (a) it is proved on the application that the condition in [ss] (2) above is met, and (b) the court is satisfied that there are reasonable grounds to believe

that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches, the court must make a banning order in respect of the respondent. (5) If the magistrates' court adjourns proceedings on an application under this [s], the court may remand the person in respect of whom the application is made. (6) A person who, by virtue of [ss] (5) above, is remanded on bail under [s]128 of the Magistrates' Courts Act 1980 may be required by the conditions of his bail (a) not to leave [E&W] before his appearance before the court, and (b) if the control period relates to a regulated football match outside the [UK] or to an external tournament which includes such matches, to surrender his passport to a [PO], if he has not already done so. \*\*

S 14C. **[BOs]: supplementary.** (1) In this Part, “*violence*” means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.(2) In this Part, “*disorder*” includes (a) stirring up hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins, or against an individual as a member of such a group, (b) using threatening, abusive or insulting words or behaviour or disorderly behaviour, (c) displaying any writing or other thing which is threatening, abusive or insulting. (3) In this Part, “*violence*” and “*disorder*” are not limited to violence or disorder in connection with football. (4) The magistrates' court may take into account the following matters (among others), so far as they consider it appropriate to do so, in determining whether to make an order under [s] 14B above (a) any decision of a court or tribunal outside the [UK], (b) deportation or exclusion from a country outside the [UK], (c) removal or exclusion from premises used for playing football matches, whether in the [UK] or elsewhere, (d) conduct recorded on video or by any other means. (5) In determining whether to make such an order (a) the magistrates' court may not take into account anything done by the respondent before the beginning of the period of [10] years ending with the application under [s] 14B(1) above, except circumstances ancillary to a conviction, (b) before taking into account any conviction for a relevant offence, where a court made a statement under [s] 14A(3) above (or [s] 15(2A) below or [s] 30(3) of the Public Order Act 1986), the magistrates' court must consider the reasons given in the statement, and in this [ss] “*circumstances ancillary to a conviction*” has the same meaning as it has for the purposes of [s] 4 of the Rehabilitation of Offenders Act 1974 (*effect of rehabilitation*). (6) [ss] (5) does not prejudice anything in the Rehabilitation of Offenders Act 1974. \*\*

14D. **[BOs] made on a complaint: appeals.** (1) An appeal lies to the Crown Court against the making by a magistrates' court of a [BO] under [s] 14B above. (1A) An appeal lies to the Crown Court against the dismissal by a magistrates' court of an application for the making of a banning order under [s] 14B above. (2) On an appeal under this [s] the Crown Court (a) may make any orders necessary to give effect to its determination of the appeal, and (b) may also make any incidental or consequential orders which appear to it to be just. (3) An order of the Crown Court made on an appeal under this [s] (other than one directing that an application be re-heard by a magistrates' court) is to be treated for the purposes of this Part as if it were an order of the magistrates' court from which the appeal was brought. \*\*

14E. **[BOs]: general.** (1) On making a banning order [BO], a court must in ordinary language explain its effect to the person subject to the order. (2) A [BO] must require the person subject to the order to report initially at a police station specified in the order within the period of [5] days beginning with the day on which the order is made. (2A) A [BO] must require the person subject to the order to give notification of the events mentioned in [ss] (2B) to the enforcing authority. (2B) The events are (a) a change of any of his names; (b) the first use by him after the making of the order of a name for himself that was not disclosed by him at the time of the making of the order; (c) a change of his home address; (d) his acquisition of a temporary address; (e) a change of his temporary address or his ceasing to have one; (f) his becoming aware of the loss of his passport;(g) receipt by him of a new passport; (h) an appeal made by him in relation to the order; (i) an application made by him under [s] 14H(2) for termination of the order; (j) an appeal made by him under [s] 23(3) against the making of a declaration of relevance in respect of an offence of which he has been convicted. (2C) A notification required by a [BO] by virtue of [ss] (2A) must be given before the end of the period of [7] days beginning with the day on which the event in question occurs and (a) in the case of a change of a name or address or the acquisition of a temporary address, must specify the new name or address; (b) in the case of a first use of a previously undisclosed name, must specify that name; and (c) in the case of a receipt of a new passport, must give details of that passport. (3) A [BO] must impose a requirement as to the surrender in accordance with this Part, in connection with regulated football matches outside the [UK], of the passport of the person subject to the order. (5) In the case of a person detained in legal custody (a) the requirement under this [s] to report at a police station, and (b) any requirement imposed under [s] 19 below, is suspended until his release from custody. (6) If (a) he is released from custody more than [5] days before the expiry of the period for which the order has effect, and (b) he was precluded by his being in custody from reporting initially, the order is to have effect as if it required him to report initially at the police station specified in the order within the period of [5] days beginning with the date of his release. (8) In this [s] “*declaration of relevance*” has the same meaning as in [s] 23; “*home address*”, in relation to any person, means the address of his sole or main residence; “*loss*” includes theft or destruction; “*new*” includes replacement; “*temporary address*”, in relation to any person, means the address (other than his home address) of a place at which he intends to reside, or has resided, for a period of at least [4] weeks. \*\*

14F. **Period of [BOs].** (1) Subject to the following provisions of this Part, a [BO] has effect for a period beginning with the day on which the order is made. (2) The period must not be longer than the maximum or shorter than the minimum. (3) Where the order is made under [s] 14A above in addition to a sentence of imprisonment taking immediate effect, the maximum is [10] years and the minimum is [6] years; and in this [ss] “*imprisonment*” includes any form of detention. (4) In any other case where the order is made under [s] 14A above, the maximum is five years and the minimum is [3] years. (5) Where the order is made under [s] 14B above, the maximum is [5] years and the minimum is [3] years.

14G. **Additional requirements of orders.** (1) A [BO] may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches. (2) The court by which a banning order was made may, on an application made by (a) the person subject to the order, or (b) the person who applied for the order or who was the prosecutor in relation to the order, vary the order so as to impose, replace or omit any such requirements. (3) In the case of a [BO] made by a magistrates' court, the reference in [ss] (2) above to the court by which it was made includes a reference to any magistrates' court acting in the same local justice area as that court.

14H. **Termination of orders.** (1) If a [BO] has had effect for at least two-thirds of the period determined under [s] 14F above, the person subject to the order may apply to the court by which it was made to terminate it. (2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application. (3) In exercising its powers under [ss] (2) above, the court must have regard to the person's character, his conduct since the [BO] was made, the nature of the offence or conduct which led to it and any other circumstances which appear to it to be relevant. (4) Where an application under [ss] (1) above in respect of a [BO] is refused, no further application in respect of the order may be made within the period of [6] months beginning with the day of the refusal. (5) The court may order the applicant to pay all or any part of the costs of an application under this [s]. (6) In the case of a [BO] made by a magistrates' court, the reference in [ss] (1) above to the court by which it was made includes a reference to any magistrates' court acting in the same local justice area as that court. \*\*

14J. **Offences.** (1) A person subject to a [BO] who fails to comply with (a) any requirement imposed by the order, or (b) any requirement imposed under [s] 19(2B) or (2C) below, is guilty of an offence. (2) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding [6] months, or a fine not exceeding level 5 [], or both.

S 18. **Information.** (1) Where a court makes a [BO] the designated officer for the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court) (a) shall give a copy of it to the person to whom it relates; (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority and to any prescribed person; (c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and (d) in a case where the person subject to the order is detained in legal custody, shall (as soon as reasonably practicable) send a copy of it to the person in whose custody he is detained. (2) Where a court terminates a [BO] under [s] 14H above, the designated officer for the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court) (a) shall give a copy of the terminating order to the person to whom the banning order relates; (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority and to any prescribed person; and (c) in a case where the person subject to the [BO] is detained in legal custody, shall (as soon as reasonably practicable) send a copy of the terminating order to the person in whose custody he is detained. (3) Where a person subject to a [BO] is released from custody and, in the case of a person who has not reported initially to a police station, is released more than [5] days before the expiry of the [BO], the person in whose custody he is shall (as soon as reasonably practicable) give notice of his release to the enforcing authority. \*\*

S 19. **Functions of enforcing authority and local police.** (1) The enforcing authority and the officer responsible for the police station at which he reports initially shall have the following functions as respects any person subject to a [BO]. (2) On a person reporting initially at the police station, the officer responsible for the station may make such requirements of that person as are determined by the enforcing authority to be necessary or expedient for giving effect to the [BO], so far as relating to regulated football matches outside the [UK]. (2A) If, in connection with any regulated football match outside the [UK], the enforcing authority is of the opinion that requiring any person subject to a banning order to report is necessary or expedient in order to reduce the likelihood of violence or disorder at or in connection with the match, the authority must give him a notice in writing under [ss] (2B) below. (2B) The notice must require that person (a) to report at a police station specified in the notice at the time, or between the times, specified in the notice, (b) to surrender his passport at a police station specified in the notice at the time, or between the times, specified in the notice, and may require him to comply with any additional requirements of the order in the manner specified in the notice. (2C) In the case of any regulated football match, the enforcing authority may by notice in writing require any person subject to a banning order to comply with any additional requirements of the order in the manner specified in the notice. (2D) The enforcing authority may establish criteria for determining whether any requirement under [ss] (2B) or (2C) above ought to be imposed on any person or any class of person. (2E) A notice under this [s] (a) may not require the person subject to the order to report except in the control period in relation to a regulated football match outside the [UK] or an external tournament, (b) may not require him to surrender his passport except in the control period in relation to a regulated football match outside the [UK] or an external tournament which includes such matches. (c) must require him to notify the enforcing authority within the time period specified in the notice of each address at which he intends to stay, or has stayed, for one night or more in a period which is the control period in relation to a regulated football match. (2F) Where a notice under this [s] requires the person subject to the order to surrender his passport, the passport must be returned to him as soon as reasonably practicable after the end of the control period in question. (5) The enforcing authority, in exercising their functions under this [s], shall have regard to any guidance issued by the [SS] under [s] 21 below. (6) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under [ss] (2) above shall be guilty of an offence. (7) A person guilty of an offence under [ss] (6) above shall be liable on [SC] to a fine not exceeding level 2 []. \*

S 20. **Exemptions from requirement to report as respects a match.** (1) A person who is subject to a [BO] may (a) as respects a particular regulated football match], or (b) as respects regulated football matches played during a period, apply to the authority empowered to grant exemptions under this [s] ("*the exempting authority*") to be exempt from the requirements imposed by or under this Part, or any of them as respects that match or matches played during that period. (2) The enforcing authority may grant exemptions under this [s] in all cases; but where the application is made during the control period in relation to any match to which the application applies, the officer responsible for a police station may grant the exemption as respects that match, subject to [ss] (3) below. (3) The officer responsible for a police station shall not grant an exemption without referring the question of exemption to the enforcing authority, unless he considers that it is not reasonably practicable to do so. (4) The exempting authority shall exempt the applicant from the requirements imposed by or under this Part, or any of them, as respects any match or matches to which the application relates if he shows to the authority's satisfaction (a) that there are special circumstances which justify his being so exempted; and (b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.

(5) The exempting authority shall, in taking any decision under subsection (4) above, have regard to any guidance issued by the [SS] under [s] 21 below. (6) Where an exemption is granted by the exempting authority to a person under [ss] (4) above the banning order is to have effect subject to the exemption and, accordingly, no requirement is to be imposed under [s] 19 which is inconsistent with the exemption. (7) A person who is

aggrieved by the refusal of the exempting authority to grant him an exemption under [ss] (4) above may, after giving the authority notice in writing of his intention to do so, appeal to a magistrates' court. (8) On any appeal under [ss] (7) above the court may make such order as it thinks fit. (9) The court may order the appellant to pay all or any part of the costs of an appeal under [ss] (7) above. (10) Any person commits an offence who, in connection with an application under this section to be exempted from the requirements imposed by or under this Part, or any of them (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular. (11) A person guilty of an offence under [ss] (10) above shall be liable on [SC] to a fine not exceeding level 3 [ ] \*\*

**S 21. Functions of enforcing authority: supplementary provisions.** (1) The [SS] may issue to the enforcing authority such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 19 and 20 above. (2) The [SS] shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under [s] (1) above. (3) The [SS] may make regulations regulating the giving by the enforcing authority to persons subject to BOs of notices under [s] 19 above; and it shall be the duty of the enforcing authority to comply with the regulations. (4) Regulations under [ss] (3) above may exclude the operation of [s] 25 below. (5) *The power to make regulations under [ss] (3) above is exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament.* (6) Where any notice is given under [s] 19 above by the enforcing authority in accordance with regulations under [ss] (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that requirements had been imposed on him under [s] 19 above. (7) Where any notice is given under [s] 19 above by the enforcing authority in accordance with [s] 25 below, [ss] (6) above [ (instead of [s] 25(1A))] shall apply as it applies to such a notice given in accordance with regulations under [ss] (3) above. (8) The [SS] may pay to the enforcing authority any expenses incurred by them in exercising their functions under sections 19 and 20 above.

**S 21A. Summary measures: detention.** (1) This [s] and [s] 21B below apply during any control period in relation to a regulated football match outside the [UK] or an external tournament if a [PO] in uniform (a) has reasonable grounds for suspecting that the condition in [s] 14B(2) above is met in the case of a person present before him, and (b) has reasonable grounds to believe that making a banning order in his case would help to prevent violence or disorder at or in connection with any regulated football matches. (2) The [PO] may detain the person in his custody (whether there or elsewhere) until he has decided whether or not to issue a notice under [s] 21B below, and shall give the person his reasons for detaining him in writing. This is without prejudice to any power of the [PO] apart from this [s] to arrest the person. (3) A person may not be detained under [ss] (2) above for more than [4] hours or, with the authority of an officer of at least the rank of inspector, [6] hours. (4) A person who has been detained under [ss] (2) above may only be further detained under that [ss] in the same control period in reliance on information which was not available to the [PO] who previously detained him; and a person on whom a notice has been served under [s] 21B (2) below may not be detained under [ss] (2) above in the same control period.

**21B. Summary measures: reference to a court.** (1) A [PO] in uniform may exercise the power in [ss] (2) below if authorised to do so by an officer of at least the rank of inspector. (2) The [PO] may give the person a notice in writing requiring him (a) to appear before magistrates' court at a time, or between the times, specified in the notice, (b) not to leave [E&W] before that time (or the later of those times), and (c) if the control period relates to a regulated football match outside the [UK] or to an external tournament which includes such matches, to surrender his passport to the [PO], and stating the grounds referred to in [s] 21A(1) above. (3) The times for appearance before the magistrates' court must be within the period of 24 hours beginning with (a) the giving of the notice, or (b) the person's detention under [s] 21A(2) above, whichever is the earlier. (4) For the purposes of [s] 14B above, the notice is to be treated as an application for a [BO] made by complaint by the constable to the court in question and [ss] (1) of that [s] is to have effect as if the references to the relevant [CPO] were references to that constable. (5) A [PO] may arrest a person to whom he is giving such a notice if he has reasonable grounds to believe that it is necessary to do so in order to secure that the person complies with the notice. (6) Any passport surrendered by a person under this [s] must be returned to him in accordance with directions given by the court.

**21C. Summary measures: supplementary.** (1) The powers conferred by sections 21A and 21B above may only be exercised in relation to a person who is a British citizen. (2) A person who fails to comply with a notice given to him under [s] 21B above is guilty of an offence and liable on [SC] to imprisonment for a term not exceeding [6] months, or a fine not exceeding level 5 [ ], or both. (3) Where a person to whom a notice has been given under [s] 21B above appears before a magistrates' court as required by the notice (whether under arrest or not), the court may remand him. (4) A person who, by virtue of [ss] (3) above, is remanded on bail under [s] 128 of the Magistrates' Courts Act 1980 may be required by the conditions of his bail (a) not to leave [E&W] before his appearance before the court, and (b) if the control period relates to a regulated football match outside the [UK] or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.

**21D. Summary measures: compensation.** (1) Where a person to whom a notice has been given under [s] 21B above appears before a magistrates' court and the court refuses the application for a [BO] in respect of him, it may order compensation to be paid to him out of central funds if it is satisfied (a) that the notice should not have been given, (b) that he has suffered loss as a result of the giving of the notice, and (c) that, having regard to all the circumstances, it is appropriate to order the payment of compensation in respect of that loss. (2) An appeal lies to the Crown Court against any refusal by a magistrates' court to order the payment of compensation under [ss] (1) above. (3) The compensation to be paid by order of the magistrates' court under [ss] (1) above or by order of the Crown Court on an appeal under [ss] (2) above shall not exceed £5,000 (but no appeal may be made under [ss] (2) in respect of the amount of compensation awarded). (4) If it appears to the [SS] that there has been a change in the value of money since the coming into force of this [s] or, as the case may be, the last occasion when the power conferred by

this [SS] was exercised, he may by order substitute for the amount specified in [SS] (3) above such other amount as appears to him to be justified by the change. (5) In this [s], “*central funds*” has the same meaning as in enactments providing for the payment of costs.

S 22. **Restriction orders arising out of offences outside [E&W].** (1) [HM] may, by Order in Council, specify offences (“*corresponding offences*”) under the law of any country outside [E&W] which appear to Her to correspond to any offence to which [sch] 1 to this Act applies. (1A) For the purposes of [ss] (1) above, an offence specified in an Order in Council under that [SI] shall be regarded as corresponding to an offence to which [sch] 1 to this Act applies notwithstanding that any period specified in the Order is longer than any corresponding period specified in that [sch]. (2) Upon an information being laid before a [JP] that a person has been convicted of a corresponding offence in a country outside [E&W], the justice may (a) issue a summons directed to that person requiring him to appear before a magistrates’ court to answer to the information; or (b) subject to [ss] (3) below, issue a warrant to arrest that person and bring him before a magistrates’ court. (3) No warrant shall be issued under [ss] (2) above unless the information is in writing and substantiated on oath. (4) Where a person appears or is brought before a magistrates’ court in pursuance of [ss] (2) above, the court, if satisfied that (a) he is ordinarily resident in [E&W], and (b) has been convicted in the country outside [E&W] of the corresponding offence, must make a [BO] in relation to the person, unless [ss] (5) applies. (5) This [ss] applies if (a) it appears to the court that the conviction of the corresponding offence in a country outside [E&W] is the subject of proceedings in a court of law in that country questioning the conviction, or (b) the court considers that there are particular circumstances relating to the corresponding offence or to the person which would make it unjust in all the circumstances to make a [BO]. (5A) Where the court does not make a banning order on the ground mentioned in [ss] (5)(b) it must state in open court the reasons for not doing so. (6) In proceedings under [ss] (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence. (7) Any person aggrieved by the decision of a magistrates’ court making a [BO] under this [s] may appeal to the Crown Court against the decision. (8) Sections 14E to 14J and 18 to 21 shall apply in relation to a person subject to a [BO] under this [s] as they apply in relation to a person subject to a banning order made by a magistrates’ court under [s] 14A. (9) An Order in Council under [ss] (1) above relating to any country may include provision specifying the documentary form in which details are to be given of (a) the conviction of a person in that country of a corresponding offence, (b) the nature and circumstances of the offence, and (c) whether or not the conviction is the subject of proceedings in that country questioning it. (10) A document in the form so specified (a) shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in it unless the contrary is proved, and (b) shall be taken as such a document unless the contrary is proved. (11) In proceedings against a person under this [s], the facts stated in a document in the form so specified shall, on production of the document and proof that that person is the person whose conviction is set out in the document, be taken to be proved unless the contrary is proved. (12) *Any [SI] containing an Order under [ss] (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.* \*

S 22A. **Other interpretation, etc.** (1) In this Part “*British citizen*” has the same meaning as in the British Nationality Act 1981, “*country*” includes territory, “*enforcing authority*” means a prescribed organisation established by the [SS] under [s] 57 of the Police Act 1996 (central police organisations), “*passport*” means a [UK] passport within the meaning of the Immigration Act 1971, “*prescribed*” means prescribed by an order made by the [SS]. (2) The [SS] may, if he considers it necessary or expedient to do so in order to secure the effective enforcement of this Part, by order provide for [s] 14(5) and (6) above to have effect in relation to any, or any description of, regulated football match or external tournament as if, for any reference to [5] days, there were substituted a reference to the number of days (not exceeding [10]) specified in the order. (3) *Any power of the [SS] to make an order or regulations under this Part is exercisable by [SI]. (3A) An order or regulations under this Part (a) may make different provision for different purposes; (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision. (4) An instrument containing an order made by the [SS] under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.* \*

S 23. **Further provision about, and appeals against, declarations of relevance.** (1) Subject to [ss] (2) below, a court may not make a declaration of relevance as respects any offence unless it is satisfied that the prosecutor gave notice to the defendant, at least [5] days before the first day of the trial, that it was proposed to show that the offence (a) related to football matches, (b) related to a particular football match or to particular football matches, (c) related to a football organisation, or (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organization, as the case may be. (2) A court may, in any particular case, make a declaration of relevance notwithstanding that notice to the defendant as required by [ss] (1) above has not been given if he consents to waive the giving of full notice or the court is satisfied that the interests of justice do not require more notice to be given. (3) (*amends*) (4) A [BO] made upon a person’s conviction of a relevant offence shall be quashed if the making of a declaration of relevance as respects that offence is reversed on appeal. (5) In this [s] “*declaration of relevance*” means a declaration by a court for the purposes of [sch] 1 to this Act that an offence (a) related to football matches, (b) related to one or more particular football matches, (c) related to a football organisation, or (d) related to a person whom the defendant knew or believed to have a prescribed connection with a football organisation.

S 24. **Offences by bodies corporate.** (1) *Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body corporate, or any person purporting to act in that capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. (2) Where the affairs of a body corporate are managed by its members, [ss] (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.* \*

S 25. **Service of documents.** (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post. (1A) A notice or other document served in accordance with [ss] (1) on a person who is the subject of a [BO] is to be deemed to be received by him at the time when it is served



unless he proves otherwise. (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm. (3) For the purposes of this [s], and of [s] 7 of the Interpretation Act 1978 in its application to this [s], the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered office or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served. (4) This [s], and the said [s] 7 in its application to this [s], is subject to [s] 21(4) and (7) above.

S 26. **Financial provision.** (1) Any expenses of the [SS] under this Act shall be paid out of money provided by Parliament. (2) Any fees received by the [SS] under this Act shall be paid into the Consolidated Fund.

#### **Football (Offences) Act 1991**

S 1. **Designated football matches.** (1) In this Act a “designated football match” means an association football match designated, or of a description designated, for the purposes of this Act by order of the [SS]. Any such order shall be made by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (2) References in this Act to things done at a designated football match include anything done at the ground (a) within the period beginning [2] hours before the start of the match or (if earlier) [2] hours before the time at which it is advertised to start and ending one hour after the end of the match; or (b) where the match is advertised to start at a particular time on a particular day but does not take place on that day, within the period beginning [2] hours before and ending one hour after the advertised starting time.

S 2. **Throwing of missiles.** It is an offence for a person at a designated football match to throw anything at or towards (a) the playing area, or any area adjacent to the playing area to which spectators are not generally admitted, or (b) any area in which spectators or other persons are or may be present, without lawful authority or lawful excuse (which shall be for him to prove).

S 3. **Indecent or racist<sup>85</sup> chanting.** (1) It is an offence to engage or take part in chanting of an indecent or racist nature at a designated football match. (2) For this purpose (a) “chanting” means the repeated uttering of any words or sounds (whether alone or in concert with one more others); and (b) “of a racist [racist] nature” means consisting of or including matter which is threatening, abusive or insulting to a person by reason of his colour, race, nationality (including citizenship) or ethnic or national origins.

S 4. **Going onto the playing area.** It is an offence for a person at a designated football match to go onto the playing area, or any area adjacent to the playing area to which spectators are not generally admitted, without lawful authority or lawful excuse (which shall be for him to prove).

S 5. **Supplementary provisions.** (2) A person guilty of an offence under this Act is liable on [SC] to a fine not exceeding level 3 []. See also s 6 (Extent).

#### **Criminal Justice and Public Order Act 1994**

S 166. **Sale of tickets by unauthorised persons.** (1) It is an offence for an unauthorised person to (a) sell a ticket for a designated football match, or (b) otherwise to dispose of such a ticket to another person. (2) For this purpose (a) a person is “unauthorised” unless he is authorised in writing to sell or otherwise dispose of tickets for the match by the organisers of the match; (aa) a reference to selling a ticket includes a reference to (i) offering to sell a ticket; (ii) exposing a ticket for sale; (iii) making a ticket available for sale by another; (iv) advertising that a ticket is available for purchase; and (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so. (b) a “ticket” means anything which purports to be a ticket; and (c) a “designated football match” means a football match of a description, or a particular football match, for the time being designated for the purposes of this [s] by order made by the [SS]. (2A) An order under [ss] (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order. (2B) The power of the [SS] to make an order under [ss] (2)(c) shall be exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament. (3) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 5 []. (5) [S] 32 of the [PACE] 1984 (search of persons and premises (including vehicles) upon arrest) shall have effect, in its application in relation to an offence under this [s], as if the power conferred on a [PO] to enter and search any vehicle extended to any vehicle which the [PO] has reasonable grounds for believing was being used for any purpose connected with the offence. (6) The [SS] may by order made by [SI] apply this [s], with such modifications as he thinks fit, to such sporting event or category of sporting event for which 6,000 or more tickets are issued for sale as he thinks fit. (7) An order under [ss] (6) above may provide that (a) a certificate (a “ticket sale certificate”) signed by a duly authorised officer certifying that 6,000 or more tickets were issued for sale for a sporting event is conclusive evidence of that fact; (b) an officer is duly authorised if he is authorised in writing to sign a ticket sale certificate by the organisers of the sporting event; and (c) a document purporting to be a ticket sale certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved. (8) Where an order has been made under [ss] (6) above, this [s] also applies, with any modifications made by the order, to any part of the sporting event specified or described in the order, provided that 6,000 or more tickets are issued for sale for the day on which that part of the event takes place.

S 166A. **Supplementary provision relating to sale and disposal of tickets on internet.** (1) Nothing in [s] 166 makes it an offence for a service provider established outside of the [UK] to do anything in the course of providing information society services. (2) If (a) a service provider established in the [UK] does anything in an EEA State other than the [UK] in the course of providing information society services, and (b) the action, if done in [E&W], would constitute an offence falling within [s] 166(1), the service provider shall be guilty in [E&W] of an offence under that [s]. (3) A service provider is not capable of being guilty of an offence under [s] 166 in respect of anything done in the course of providing so

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<sup>85</sup> Today, the word ‘racist’ tends to be used.

much of an information society service as consists in (a) the transmission in a communication network of information falling within [ss] (4), or (b) the storage of information provided by a recipient of the service, except where [ss] (5) applies. (4) Information falls within this [ss] if (a) it is provided by a recipient of the service; and (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient. (5) This [ss] applies at any time in relation to information if (a) the service provider knew when that information was provided that it contained material contravening [s] 166; or (b) that information is stored at that time (whether as mentioned in [ss] (3)(b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening [s] 166. (6) In this [s] "*the Directive*" means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce); "*information society services*" (a) has the meaning set out in [Art] 2(a) of the Directive (which refers to [Art] 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of 20 July 1998); and (b) is summarised in recital 17 of the Directive as covering "*any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service*"; "*EEA State*" means a state which is for the time being a member State, Norway, Iceland or Liechtenstein; "*recipient of the service*" means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible; "*service provider*" means any person providing an information society service.

#### **Appendix 5 - Alcohol**

##### **Metropolitan Police Act 1839**

S 44. **Regulations of 9G. 4. c. 61 respecting public houses to extend to other houses of public resort.** Every person who shall have or keep any house, shop, room, or place of public resort within the [MPD], wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room, or place or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall for every such offence be liable to a penalty of not more than level 1 [].

##### **Town Police Clauses Act 1847**

S 29. **Penalty on drunken persons, &c. guilty of riotous or indecent behaviour.** Every person guilty of any violent or indecent behaviour in any police office or any police station house, within the limits of the special Act, shall be liable to a penalty not exceeding [40s] for every such offence, or, in the discretion of the [JP] before whom he is convicted, to imprisonment for a period not exceeding [7] days.

##### **Licensing Act 1872**

S 12. **Penalty on persons found drunk.** Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding level 1 [], and on a second conviction within a period of [12] months shall be liable to a penalty not exceeding level 1 [], and on a third or subsequent conviction within such period of [12] months be liable to a penalty not exceeding level 1 []. Every person who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded firearms, shall be liable to a penalty not exceeding [40] shillings, or in the discretion of the court to imprisonment for any term not exceeding [1] month. See also s 2 & 77 (*Extent*). Also, sch 1.

##### **Inebriates Act 1898**

S 30. **Short title.** This Act may be cited as the Inebriates Act 1898, and [sch 1] to this Act shall have effect for the purposes of the following enactments, namely the Licensing Act 1902, [s] 6, the Licensing (Scotland) Act 1903, [s] 71, and (*being enactments which operate by reference to the list of offences set out in the [sch]*).

##### **Licensing Act 1902**

S 1. **Apprehension of person found drunk and incapable in public place.** If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be dealt with according to law.

S 2. **Penalty for being drunk while in charge of child.** (1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of [7] years, he shall, if the child is under that age, be liable, on [SC], to a fine not exceeding level 2 [], or to imprisonment, for any period not exceeding [1] month. (2) If the child appears to the court to be under the age of [7], the child shall, for the purposes of this [s], be deemed to be under that age unless the contrary is proved. (3) The offence under this [s] shall be included in the list of offences mentioned in the [sch 1] to the Inebriates Act 1898.

S 6. **Prohibition of sale of liquor to persons declared to be habitual drunkards.** (1) Where a person is convicted of an offence mentioned in the [sch 1] to the Inebriates Act 1898 and such person has, during the period of [12] months immediately preceding the date of the offence, been convicted on [3] occasions of an offence mentioned in the said [sch], the court may order that notice of the conviction, with such particulars as may be prescribed by a [SS], be sent to the local policing body for the police area in which the court is situate. (2) [Ss] (2A) to (2C) apply where a court, in pursuance of this Act, orders notice of a conviction to be sent to a local policing body. (2A) The court shall inform the convicted person that the notice is to be sent to a local policing body. (2B) The convicted person commits an offence if, within the [3] year period, he buys or obtains, or attempts to buy or obtain, alcohol on relevant premises. (2C) A person to whom [ss] (2D) applies commits an offence if, within the [3]

year period, he knowingly (a) sells, supplies or distributes alcohol on relevant premises, or (b) allows the sale, supply or distribution of alcohol on relevant premises, to, or for consumption by, the convicted person. (2D) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell, supply or distribute the alcohol concerned, (b) in the case of licensed premises, to (i) the holder of a premises licence which authorises the sale or supply of alcohol, and (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate authorising the sale or supply of alcohol has effect, to any member or officer of the club which holds the certificate who at the time the sale, supply or distribution takes place is present on the premises in a capacity which enables him to prevent it, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5 of the Licensing Act 2003, the premises user in respect of a temporary event notice authorising the sale or supply of alcohol. (2E) A person guilty of an offence under this [s] is liable on [SC] (a) in the case of an offence under [ss] (2B), to a fine not exceeding level 1 [], and (b) in the case of an offence under [ss] (2C), to a fine not exceeding level 2 []. (3) Regulations shall be made by the local policing body for the purpose of securing the giving of information to persons to whom [ss] (4) applies of orders made under this [s], and for assisting in the identification of the convicted persons. (4) This [ss] applies to (a) the holder of a premises licence which authorises the sale or supply of alcohol, (b) the designated premises supervisor (if any) under such a licence, (c) the holder of a club premises certificate authorising the sale or supply of alcohol, and (d) the premises user in relation to a temporary event notice authorising the sale or supply or alcohol. (5) In this [s] “*alcohol*”, “*club premises certificate*”, “*designated premises supervisor*”, “*licensed premises*”, “*permitted temporary activity*”, “*premises licence*”, “*premises user*” and “*temporary event notice*” have the same meaning as in the Licensing Act 2003, “*relevant premises*” means premises which are relevant premises within the meaning of [s 159] of that Act and on which alcohol may be lawfully sold or supplied, and “*the [3] year period*”, in relation to the convicted person, means the period of [3] years beginning with the day of the conviction.

S 8. **Interpretation of “public place.”** For the purposes of [s 12] of the Licensing Act 1872, and of sections [1 and 2] of this Act, the expression “*public place*” shall include any place to which the public have access, whether on payment or otherwise.

#### **Children and Young Persons Act 1933**

S 5. **Giving intoxicating liquor to children under [5].** If any person gives, or causes to be given, to any child under the age of [5] years any alcohol (within the meaning given by [s] 191 of the Licensing Act 2003, but disregarding [ss] (1)(f) to (i) of that [s]), except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on [SC], be liable to a fine not exceeding level 1 []. See also s 109 (*Extent*).

#### **Penalties for Drunkenness Act 1962**

S 1. **Increase of penalties for drunkenness, etc.** (1) *The maximum penalty to which a person is liable on any conviction for an offence under the provisions mentioned in this [s] shall, in the case of offences committed after the commencement of this Act, be increased as follows, that is to say (a) to a fine not exceeding [5] pounds where the conviction is under any of the provisions specified in [para] (a) of [ss] (2) of this [s] (which relate to offences of being drunk in public places or licensed premises or refusing to leave or attempting to enter a refreshment house or ship when drunk or disorderly); and (b) to a fine not exceeding level 1 [] or imprisonment for a term not exceeding [1] month where the conviction is under any of the provisions specified in [para] (b) of that [ss] (which relate to offences of drunkenness in aggravating circumstances or violent or indecent behaviour at police stations).* (2) *The said provisions are (b) any other provision of the said [s 12, Licensing Act 1872] [s 58] of the Metropolitan Police Act 1839; [s 37] of the City of London Police Act 1839; [s 29] of the Town Police Clauses Act 1847, as incorporated in any other enactment. (spent)\**

#### **Criminal Justice Act 1967**

S 91. **Drunkenness in a public place.** (1) Any person who in any public place is guilty, while drunk, of disorderly behaviour shall be liable on [SC] to a fine not exceeding level 3 []. (2) The foregoing [ss] shall have effect instead of any corresponding provision contained in [s] 12 of the Licensing Act 1872, [s] 58 of the Metropolitan Police Act 1839, [s] 37 of the City of London Police Act 1839, and [s] 29 of the Town Police Clauses Act 1847 (*being enactments which authorise the imposition of a short term of imprisonment or of a fine not exceeding £10 or both for the corresponding offence*) and instead of any corresponding provision contained in any local Act. (3) The [SS] may by order repeal any provision of a local Act which appears to him to be a provision corresponding to [ss] (1) of this [s] or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk. (4) In this [s] “*public place*” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise. See also s 106 (*Extent*).

#### **Criminal Justice Act 1972**

S 34. **Power of [PO] to take drunken offender to treatment centre.** (1) On arresting an offender for an offence under (a) [s] 12 of the Licensing Act 1872; or (b) [s] 91(1) of the Criminal Justice Act 1967, a [PO] may, if he thinks fit, take him to any place approved for the purposes of this [s] by the [SS] as a treatment centre for alcoholics, and while a person is being so taken he shall be deemed to be in lawful custody. (2) A person shall not by virtue of this [s] be liable to be detained in any such centre as aforesaid to which he has been taken, but the exercise in his case of the power conferred by this [s] shall not preclude his being charged with any offence.

#### **Sporting Events (Control of Alcohol etc) Act 1985**

S 1. **Offences in connection with alcohol on coaches and trains.** (1) This [s] applies to a vehicle which (a) is a public service vehicle or railway passenger vehicle, and (b) is being used for the principal purpose of carrying passengers for the whole or part of a journey to or from a designated sporting event. (2) A person who knowingly causes or permits alcohol to be carried on a vehicle to which this [s] applies is guilty of an offence (a) if the vehicle is a public service vehicle and he is the operator of the vehicle or the servant or agent of the operator, or (b) if the vehicle is a hired

vehicle and he is the person to whom it is hired or the servant or agent of that person. (3) A person who has alcohol in his possession while on a vehicle to which this [s] applies is guilty of an offence. (4) A person who is drunk on a vehicle to which this [s] applies is guilty of an offence. (5) In this [s] “*public service vehicle*” and “*operator*” have the same meaning as in the Public Passenger Vehicles Act 1981.

**S 1A. Alcohol on certain other vehicles.** (1) This [s] applies to a motor vehicle which (a) is not a public service vehicle but is adapted to carry more than 8 passengers, and (b) is being used for the principal purpose of carrying two or more passengers for the whole or part of a journey to or from a designated sporting event. (2) A person who knowingly causes or permits alcohol to be carried on a motor vehicle to which this [s] applies is guilty of an offence (a) if he is its driver, or (b) if he is not its driver but is its keeper, the servant or agent of its keeper, a person to whom it is made available (by hire, loan or otherwise) by its keeper or the keeper’s servant or agent, or the servant or agent of a person to whom it is so made available. (3) A person who has alcohol in his possession while on a motor vehicle to which this [s] applies is guilty of an offence. (4) A person who is drunk on a motor vehicle to which this [s] applies is guilty of an offence. (5) In this [s] “*keeper*”, in relation to a vehicle, means the person having the duty to take out a licence for it under the Vehicle Excise and Registration Act 1994, “*motor vehicle*” means a mechanically propelled vehicle intended or adapted for use on roads, and “*public service vehicle*” has the same meaning as in the Public Passenger Vehicles Act 1981.

**S 2. Offences in connection with alcohol, containers etc. at sports grounds.** (1) A person who has alcohol or an article to which this [s] applies in his possession (a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or (b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at that ground, is guilty of an offence. (1A) [ss] (1)(a) above has effect subject to [s] 5A (1) of this Act. (2) A person who is drunk in a designated sports ground at any time during the period of a designated sporting event at that ground or is drunk while entering or trying to enter such a ground at any time during the period of a designated sporting event at that ground is guilty of an offence. (3) This [s] applies to any article capable of causing injury to a person struck by it, being (a) a bottle, can or other portable container (including such an article when crushed or broken) which (i) is for holding any drink, and (ii) is of a kind which, when empty, is normally discarded or returned to, or left to be recovered by, the supplier, or (b) part of an article falling within [para] (a) above; but does not apply to anything that is for holding any medicinal product (within the meaning of the Medicines Act 1968) or any veterinary medicinal product (within the meaning of the Veterinary Medicines Regulations 2006).

**S 2A. Fireworks etc.** (1) A person is guilty of an offence if he has an article or substance to which this section applies in his possession (a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or (b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at the ground. (2) It is a defence for the accused to prove that he had possession with lawful authority. (3) This [s] applies to any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas; and in particular it applies to distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not to matches, cigarette lighters or heaters. (4) This [s] also applies to any article which is a firework.

**S5A. Private facilities for viewing events** (1) In relation to a room in a designated sports ground (a) from which designated sporting events may be directly viewed, and (b) to which the general public are not admitted, sections 2(1)(a) and 3(1)(a) of this Act have effect with the substitution for the reference to the period of a designated sporting event of a reference to the restricted period defined below. (2) Subject to any order under [ss] (3) below, the restricted period of a designated sporting event for the purposes of this [s] is the period beginning 15 minutes before the start of the event or (if earlier) 15 minutes before the time at which it is advertised to start and ending 15 minutes after the end of the event, but (a) where an event advertised to start at a particular time on a particular day is postponed to a later day, the restricted period includes the period in the day on which it is advertised to take place beginning 15 minutes before and ending 15 minutes after that time, and (b) where an event advertised to start at a particular time on a particular day does not take place, the period is the period referred to in [para] (a) above. (3) The [SS] may by order provide, in relation to all designated sporting events or in relation to such descriptions of event as are specified in the order (a) that the restricted period shall be such period, shorter than that mentioned in [ss] (2) above, as may be specified in the order, or (b) that there shall be no restricted period. (4) *An order under this [s] shall be made by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament.* \*

**S 7. Powers of enforcement.** (1) A [PO] may, at any time during the period of a designated sporting event at any designated sports ground, enter any part of the ground for the purpose of enforcing the provisions of this Act. (2) A [PO] may search a person he has reasonable grounds to suspect is committing or has committed an offence under this Act (3) A [PO] may stop a public service vehicle (within the meaning of [s] 1 of this Act) or a motor vehicle to which [s] 1A of this Act applies and may search such a vehicle or a railway passenger vehicle if he has reasonable grounds to suspect that an offence under that [s] is being or has been committed in respect of the vehicle. \*

**S 8. Penalties for offences.** A person guilty of an offence under this Act shall be liable on [SC] (a) in the case of an offence under [s] 1(2) or 1A(2), to a fine not exceeding level 4 [ ], (b) in the case of an offence under [s] 1(3), 1A(3), 2(1) or 2A(1), to a fine not exceeding level 3 [ ] or to imprisonment for a term not exceeding [3] months or both, (c) in the case of an offence under [s] 1(4), 1A(4) or 2(2), to a fine not exceeding level 2 [ ]. See also s 9 (*Scotland*) and s (*Extent*).

**S 9. Interpretation.** (1) The following provisions shall have effect for the interpretation of this Act. (2) “*Designated sports ground*” means any place (a) used (wholly or partly) for sporting events where accommodation is provided for spectators, and (b) for the time being designated, or of a class designated, by order made by the [SS]; and an order under this [ss] may include provision for determining for the purposes of this Act the outer limit of any designated sports ground. (3) “*Designated sporting event*” (a) means a sporting event or proposed sporting event for the time being designated, or of a class designated, by order made by the [SS], and (b) includes a designated sporting event within the meaning of Part V

of the Criminal Justice (Scotland) Act 1980; and an order under this [ss] may apply to events or proposed events outside Great Britain as well as those in [E&W]. (4) The period of a designated sporting event is the period beginning [2] hours before the start of the event or (if earlier) [2] hours before the time at which it is advertised to start and ending one hour after the end of the event, but (a) where an event advertised to start at a particular time on a particular day is postponed to a later day, the period includes the period in the day on which it is advertised to take place beginning two hours before and ending one hour after that time, and (b) where an event advertised to start at a particular time on a particular day does not take place, the period is the period referred to in paragraph (a) above. (6) This Act does not apply to any sporting event or proposed sporting event (a) where all competitors are to take part otherwise than for reward, and (b) to which all spectators are to be admitted free of charge. (7) An expression used in this Act and in the Licensing Act 2003 has the same meaning in this Act as in that Act. (8) *Any power to make an order under this [s] shall be exercisable by [SI] subject to annulment in pursuance of a resolution of either House of Parliament.* \*

#### **Confiscation of Alcohol (Young Persons) Act 1997**

S 1. **Confiscation of intoxicating liquor.** (1) Where a [PO] reasonably suspects that a person in a relevant place is in possession of alcohol and that either (a) he is under the age of 18; or (b) he intends that any of the alcohol should be consumed by a person under the age of 18 in that or any other relevant place; or (c) a person under the age of 18 who is, or has recently been, with him has recently consumed alcohol in that or any other relevant place, the [PO] may require him to surrender anything in his possession which is, or which the [PO] reasonably believes to be, alcohol or a container for alcohol (1AA) A [PO] who imposes a requirement on a person under [ss] (1) shall also require the person to state the person's name and address. (1AB) A [PO] who imposes a requirement on a person under [ss] (1) may, if the [PO] reasonably suspects that the person is under the age of 16, remove the person to the person's place of residence or a place of safety. (2) A [PO] may dispose of anything surrendered to him under [ss] (1) in such manner as he considers appropriate. (3) A person who fails without reasonable excuse to comply with a requirement imposed on him under [ss] (1) or (1AA) commits an offence and is liable on [SC] to a fine not exceeding level 2 [ ]. (4) A [PO] who imposes a requirement on a person under [ss] (1) shall inform him of his suspicion and that failing without reasonable excuse to comply with a requirement imposed under that [ss] or (1AA) is an offence. (5) A [PO] may arrest without warrant a person who fails to comply with a requirement imposed on him under [ss] (1). (6) In [ss] (1) "*relevant place*", in relation to a person, means (a) any public place, other than licensed premises; or (b) any place, other than a public place, to which the person has unlawfully gained access; and for this purpose a place is a public place if at the material time the public or any section of the public has access to it, on payment or otherwise, as of right or by virtue of express or implied permission. (7) In this [s] "*alcohol*" (a) in relation to [E&W], has the same meaning as in the Licensing Act 2003; (b) in relation to [NI], has the same meaning as "*intoxicating liquor*" in the Licensing ([NI] Order 1996; and "*licensed premises*" (a) in relation to [E&W], means premises which may by virtue of Part 3 or Part 5 of the Licensing Act 2003 (*premises licence; permitted temporary activity*) be used for the supply of alcohol within the meaning of [s] 14 of that Act; (b) in relation to [NI], has the same meaning as in the Licensing ([NI] Order 1996. See also s 2 (*Extent*).

#### **Criminal Justice and Public Order Act 2001**

S 19. **Closure notices.** (1) Where a [PO] is satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve under [ss] (3) a notice in respect of the premises. (2) Where a local authority is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, the authority may serve under [ss] (3) a notice in respect of the premises. (3) A notice under [ss] (1) or (2) ("*a closure notice*") shall be served by the [PO] or local authority concerned on a person having control of, or responsibility for, the activities carried on at the premises. (4) A closure notice shall also be served by the [PO] or local authority concerned on any person occupying another part of any building or other structure of which the premises form part if the [PO] or (as the case may be) the local authority concerned reasonably believes, at the time of serving notice under [ss] (3), that the person's access to the other part of the building or other structure would be impeded if an order under [s] 21 providing for the closure of the premises were made. (5) A closure notice may also be served by a [PO] or the local authority concerned on (a) any other person having control of, or responsibility for, the activities carried on at the premises; (b) any person who has an interest in the premises. (6) A closure notice shall (a) specify the alleged use of the premises and the grounds on which the [PO] or (as the case may be) the local authority concerned is satisfied as mentioned in [ss] (1) or (as the case may be) [ss] (2); (b) state the effect of [s] 20; and (c) specify the steps which may be taken to ensure that the alleged use of the premises ceases or (as the case may be) does not recur. (7) A closure notice served by a [PO] or local authority may be cancelled by a notice of cancellation served by a [PO] or (as the case may be) the local authority concerned. (8) Any such notice of cancellation shall have effect as soon as it is served by a [PO] or (as the case may be) the authority concerned on at least one person on whom the closure notice was served. (9) The [PO] or (as the case may be) the local authority concerned shall also serve the notice of cancellation on any other person on whom the closure notice was served. (10) For the purposes of [ss] (3) and (5) a person having control of, or responsibility for, the activities carried on at the premises includes a person who (a) derives or seeks to derive profit from the carrying on of the activities; (b) manages the activities; (c) employs any person to manage the activities; or (d) is involved in the conduct of the activities. \*\*

S 20. **Applications for closure orders** (1) Where a closure notice has been served under [s] 19(3), a [PO] or (as the case may be) the local authority concerned may make a complaint to a [JP] for an order under [s] 21 (a "*closure order*"). (2) A complaint under [ss] (1) shall be made not less than [7] days, and not more than [6] months, after the service of the closure notice under [s] 19(3). (3) No complaint shall be made under [ss] (1) if the [PO] or (as the case may be) the local authority is satisfied that (a) the use of the premises for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises has ceased; and (b) there is no reasonable likelihood that the premises will be so used in the future. (4) Where a complaint has been made to a [JP] under [ss] (1), the [JP] may issue a summons to answer to the complaint. (5) The summons shall be directed to (a) the person on whom the closure notice was served under [s] 19(3); and (b) any other person on whom the closure notice

was served under [s] 19(5)(a). (6) Where a summons is served in accordance with [ss] (4) and (5), a notice stating the date, time and place at which the complaint will be heard shall be served on all persons on whom the closure notice was served under [s]19(4) and (5)(b). (7) The procedure on a complaint for a closure order shall (except as otherwise provided) be in accordance with the Magistrates' Courts Act 1980 (c. 43). \*\*

S 21. **Closure orders.** (1) On hearing a complaint made under [s] 20(1), the court may make such order as it considers appropriate if it is satisfied that (a) the closure notice was served under [s] 19(3); and (b) the premises continue to be used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises or there is a reasonable likelihood that the premises will be so used in the future. (2) An order under this [s] may, in particular, require (a) the premises in respect of which the closure notice was served to be closed immediately to the public and to remain closed until a [PO] or (as the case may be) the local authority concerned makes a certificate under [s] 22(1); (b) the use of the premises for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises to be discontinued immediately; (c) any defendant to pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met. (3) An order of the kind mentioned in [ss] (2)(a) may, in particular, include such conditions as the court considers appropriate relating to (a) the admission of persons onto the premises; (b) the access by persons to another part of any building or other structure of which the premises form part. (4) The complainant shall, as soon as practicable after the making of an order under this [s], give notice of the order by fixing a copy of it in a conspicuous position on the premises in respect of which it was made. (5) A sum which has been ordered to be paid into court under this [s] shall be paid to the designated officer for the court. \*\*

S 22. **Termination of closure orders by [PO] or local authority.** (1) Where a closure order has been made, a [PO] or (as the case may be) the local authority concerned may make a certificate to the effect that the [PO] or (as the case may be) the authority is satisfied that the need for the order has ceased. (2) Where such a certificate has been made, the closure order shall cease to have effect. (3) Where a closure order containing provision of the kind mentioned in [s] 21(2)(c) ceases to have effect by virtue of the making of a certificate under [ss] (1), any sum paid into court by a defendant under the order shall be released by the court. (4) Subject to this, a closure order may include such provision as the court considers appropriate for dealing with any consequences which would arise if the order were to cease to have effect by virtue of the making of a certificate under [ss] (1). (5) The [PO] or (as the case may be) the local authority concerned shall, as soon as practicable after the making of a certificate under [ss] (1) (a) serve a copy of it on the person against whom the closure order has been made and the designated officer for the court which made the order; and (b) fix a copy of it in a conspicuous position on the premises in respect of which the order was made. (6) The [PO] or (as the case may be) the local authority concerned shall also serve a copy of the certificate on any person who requests such a copy. \*\*

S 23. **Discharge of closure orders by the court.** (1) Where a closure order has been made (a) any person on whom the closure notice concerned was served under [s] 19; or (b) any person who has an interest in the premises in respect of which the closure order was made but on whom no closure notice was served, may make a complaint to a [JP] for an order that the closure order be discharged. (2) The court may not make an order under [ss] (1) unless it is satisfied that the need for the closure order has ceased. (3) Where a complaint has been made to a [JP] under [ss] (1), the [JP] may issue a summons directed to such [PO] as he considers appropriate or (as the case may be) the local authority concerned requiring that person to appear before the magistrates' court to answer to the complaint. (4) Where a summons is served in accordance with [ss] (3), a notice stating the date, time and place at which the complaint will be heard shall be served on all persons on whom the closure notice concerned was served under [s] 19 (other than the complainant). (5) The procedure on a complaint for an order under this [s] shall (except as otherwise provided) be in accordance with the Magistrates' Courts Act 1980 (c. 43). \*\*

S 24. **Appeals.** (1) An appeal against a closure order, an order under [s] 23(1) or a decision not to make an order under [s] 23(1) may be brought to the Crown Court at any time before the end of the period of 21 days beginning with the day on which the order or (as the case may be) the decision was made. (2) An appeal under this [s] against a closure order may be brought by (a) any person on whom the closure notice concerned was served under [s] 19; or (b) any person who has an interest in the premises in respect of which the closure order was made but on whom no closure notice was so served. (3) On an appeal under this [s] the Crown Court may make such order as it considers appropriate. \*\*

S 25. **Enforcement of closure orders.** (1) Where a closure order has been made, a [PO] or an authorised person may (if necessary using reasonable force) (a) at any reasonable time enter the premises concerned; and (b) having so entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order. (2) A [PO] or an authorised person seeking to enter any premises in exercise of his powers under [ss] (1) shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority, before entering the premises. (3) Any person who intentionally obstructs a [PO] or an authorised person in the exercise of his powers under this [s] shall be guilty of an offence and shall be liable on [SC] (a) where the offence was committed in respect of a constable, to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 [] or to both; (b) where the offence was committed in respect of an authorised person, to a fine not exceeding level 5 []. (4) A person who, without reasonable excuse, permits premises to be open in contravention of a closure order shall be guilty of an offence and shall be liable on [SC] to imprisonment for a term not exceeding [3] months or to a fine or to both. (5) A person who, without reasonable excuse, otherwise fails to comply with, or does an act in contravention of, a closure order shall be guilty of an offence and shall be liable on [SC] to imprisonment for a term not exceeding [3] months or to a fine not exceeding level 5 [] or to both. (6) In this [s] "an authorised person" means a person authorised for the purposes of this [s] by a local authority in respect of premises situated in the area of the authority.

S 26. **Offences by body corporate.** (1) *Where an offence under [s] 25 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.* (2) *Where*

*the affairs of a body corporate are managed by its members, [ss] (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate. \**

S 27. **Service of notices.** (1) Any document required or authorised by virtue of sections 19 to 26 to be served on any person may be served in accordance with Criminal Procedure Rules. (1A) For the purposes of [ss] (1) (a) Criminal Procedure Rules (as they have effect from time to time) apply to the document to be served as if it were a document to be served in criminal proceedings before a magistrates' court, and (b) any magistrates' court may discharge functions conferred on a court by those Rules in relation to such service.

S 28. **Sections 19 to 27: Interpretation.** (1) In sections 19 to 27 and this [s] "*alcohol*" has the same meaning as in the Licensing Act 2003; "*closure notice*" means a notice under [s] 19(1) or (2); "*closure order*" means an order under [s] 21; "*notice*" means notice in writing; "*premises*" includes any land or other place (whether enclosed or otherwise); "*sale*" includes exposure for sale; and "*unauthorised sale*", in relation to any alcohol, means any supply of the alcohol (within the meaning of [s] 14 of the Licensing Act 2003) which (a) is a licensable activity within the meaning of that Act, but (b) is made otherwise than under and in accordance with an authorisation (within the meaning of [s] 136 of that Act). (2) In sections 19 to 27 "*local authority*" means (a) in relation to England (i) a county council; (ii) a district council; (iii) a London borough council; (iv) the Common Council of the City of London in its capacity as a local authority; (v) the Council of the Isles of Scilly; (b) in relation to Wales, a county council or a county borough council. (3) References in sections 19 to 27 to a person who has an interest in the premises are references to any person who is the owner, leaseholder or occupier of the premises.

#### **Licensing Act 2003**

S 136. **Unauthorised licensable activities.** (1) A person commits an offence if (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or (b) he knowingly allows a licensable activity to be so carried on. (2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he (a) performs in a play, (b) participates as a sportsman in an indoor sporting event, (c) boxes or wrestles in a boxing or wrestling entertainment, (d) performs live music, (e) plays recorded music, (f) performs dance, or (g) does something coming within [para] 2(1)(h) of [sch] 1 (*entertainment similar to music, dance, etc.*). (3) [ss] (2) is to be construed in accordance with Part 3 of [sch] 1. (4) A person guilty of an offence under this [s] is liable on summary conviction to imprisonment for a term not exceeding [6] months or to a fine, or to both. (5) In this Part "*authorisation*" means (a) a premises licence, (b) a club premises certificate, or (c) a temporary event notice in respect of which the conditions of [s] 98(2) to (4) are satisfied.

S 137. **Exposing alcohol for unauthorised sale.** (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity. (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation. (3) A person guilty of an offence under this [s] is liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine, or to both. (4) The court by which a person is convicted of an offence under this [s] may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

S 138. **Keeping alcohol on premises for unauthorised sale etc.** (1) A person commits an offence if he has in his possession or under his control alcohol which he intends to sell by retail or supply in circumstances where that activity would be an unauthorised licensable activity. (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation. (3) In [ss] (1) the reference to the supply of alcohol is a reference to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club. (4) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 2 []. (5) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

S 139. **Defence of due diligence.** (1) In proceedings against a person for an offence to which [ss] (2) applies, it is a defence that (a) his act was due to a mistake, or to reliance on information given to him, or to an act or omission by another person, or to some other cause beyond his control, and (b) he took all reasonable precautions and exercised all due diligence to avoid committing the offence. (2) This [ss] applies to an offence under (a) [s] 136(1)(a) (*carrying on unauthorised licensable activity*), (b) [s] 137 (*exposing alcohol for unauthorised sale*), or (c) [s] 138 (*keeping alcohol on premises for unauthorised sale*).

S 140. **Allowing disorderly conduct on licensed premises etc.** (1) A person to whom [ss] (2) applies commits an offence if he knowingly allows disorderly conduct on relevant premises. (2) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the conduct, (b) in the case of licensed premises, to (i) the holder of a premises licence in respect of the premises, and (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who at the time the conduct takes place is present on the premises in a capacity which enables him to prevent it, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question. (3) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 [].

S 141. **Sale of alcohol to a person who is drunk** (1) A person to whom [ss] (2) applies commits an offence if, on relevant premises, he knowingly (a) sells or attempts to sell alcohol to a person who is drunk, or (b) allows alcohol to be sold to such a person. (2) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell the alcohol concerned, (b) in the case of licensed premises, to (i) the holder of a premises licence in respect of the premises, and (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club

which holds the certificate who at the time the sale (or attempted sale) takes place is present on the premises in a capacity which enables him to prevent it, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question. (3) This section applies in relation to the supply of alcohol by or on behalf of a club to or to the order of a member of the club as it applies in relation to the sale of alcohol. (4) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 [].

S 142. **Obtaining alcohol for a person who is drunk** (1) A person commits an offence if, on relevant premises, he knowingly obtains or attempts to obtain alcohol for consumption on those premises by a person who is drunk. (2) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 [].

S 143. **Failure to leave licensed premises etc.** (1) A person who is drunk or disorderly commits an offence if, without reasonable excuse (a) he fails to leave relevant premises when requested to do so by a constable or by a person to whom [ss] (2) applies, or (b) he enters or attempts to enter relevant premises after a [PO] or a person to whom [ss] (2) applies has requested him not to enter. (2) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to make such a request, (b) in the case of licensed premises, to (i) the holder of a premises licence in respect of the premises, or (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises in a capacity which enables him to make such a request, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question. (3) A person guilty of an offence under [ss] (1) is liable on [SC] to a fine not exceeding level 1 []. (4) On being requested to do so by a person to whom [ss] (2) applies, a [PO] must (a) help to expel from relevant premises a person who is drunk or disorderly; (b) help to prevent such a person from entering relevant premises.

S 144. **Keeping of smuggled goods** (1) A person to whom [ss] (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. (2) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to prevent the keeping of the goods on the premises, (b) in the case of licensed premises, to (i) the holder of a premises licence in respect of the premises, and (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises at any time when the goods are kept on the premises in a capacity which enables him to prevent them being so kept, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question. (3) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 []. (4) The court by which a person is convicted of an offence under this [s] may order the goods in question, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

S 145. **Unaccompanied children prohibited from certain premises.** (1) A person to whom [ss] (3) applies commits an offence if (a) knowing that relevant premises are within [ss] (4), he allows an unaccompanied child to be on the premises at a time when they are open for the purposes of being used for the supply of alcohol for consumption there, or (b) he allows an unaccompanied child to be on relevant premises at a time between the hours of midnight and 5 a.m. when the premises are open for the purposes of being used for the supply of alcohol for consumption there. (2) For the purposes of this [s] (a) “child” means an individual aged under 16, (b) a child is unaccompanied if he is not in the company of an individual aged 18 or over. (3) This [ss] applies (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to request the unaccompanied child to leave the premises, (b) in the case of licensed premises, to (i) the holder of a premises licence in respect of the premises, and (ii) the designated premises supervisor (if any) under such a licence, (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises in a capacity which enables him to make such a request, and (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question. (4) Relevant premises are within this subsection if (a) they are exclusively or primarily used for the supply of alcohol for consumption on the premises, or (b) they are open for the purposes of being used for the supply of alcohol for consumption on the premises by virtue of Part 5 (*permitted temporary activities*) and, at the time the temporary event notice in question has effect, they are exclusively or primarily used for such supplies. (5) No offence is committed under this section if the unaccompanied child is on the premises solely for the purpose of passing to or from some other place to or from which there is no other convenient means of access or egress. (6) Where a person is charged with an offence under this [s] by reason of his own conduct it is a defence that (a) he believed that the unaccompanied child was aged 16 or over or that an individual accompanying him was aged 18 or over, and (b) either (i) he had taken all reasonable steps to establish the individual’s age, or (ii) nobody could reasonably have suspected from the individual’s appearance that he was aged under 16 or, as the case may be, under 18. (7) For the purposes of [ss] (6), a person is treated as having taken all reasonable steps to establish an individual’s age if (a) he asked the individual for evidence of his age, and (b) the evidence would have convinced a reasonable person. (8) Where a person (“*the accused*”) is charged with an offence under this [s] by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it. (9) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 3 []. (10) In this [s] “*supply of alcohol*” means (a) the sale by retail of alcohol, or (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

S 146. **Sale of alcohol to children.** (1) A person commits an offence if he sells alcohol to an individual aged under 18. (2) A club commits an offence if alcohol is supplied by it or on its behalf (a) to, or to the order of, a member of the club who is aged under 18, or (b) to the order of a member of the club, to an individual who is aged under 18. (3) A person commits an offence if he supplies alcohol on behalf of a club (a) to, or to



the order of, a member of the club who is aged under 18, or (b) to the order of a member of the club, to an individual who is aged under 18. (4) Where a person is charged with an offence under this [s] by reason of his own conduct it is a defence that (a) he believed that the individual was aged 18 or over, and (b) either (i) he had taken all reasonable steps to establish the individual's age, or (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18. (5) For the purposes of [ss] (4), a person is treated as having taken all reasonable steps to establish an individual's age if (a) he asked the individual for evidence of his age, and (b) the evidence would have convinced a reasonable person. (6) Where a person ("*the accused*") is charged with an offence under this [s] by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it. (7) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 5 [].

S 147. **Allowing the sale of alcohol to children** (1) A person to whom [ss] (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18. (2) This [ss] applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale. (3) A person to whom [ss] (4) applies commits an offence if he knowingly allows alcohol to be supplied on relevant premises by or on behalf of a club (a) to or to the order of a member of the club who is aged under 18, or

(b) to the order of a member of the club, to an individual who is aged under 18. (4) This [ss] applies to (a) a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and (b) any member or officer of the club who at the time of the supply is present on the relevant premises in a capacity which enables him to prevent it. (5) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 5 [].

S 147A. **Persistently selling alcohol to children**. (1) A person is guilty of an offence if (a) on or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18; (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and (c) that person was a responsible person in relation to the premises at each such time. (2) For the purposes of this [s] alcohol sold to an individual aged under 18 is unlawfully sold to him if (a) the person making the sale believed the individual to be aged under 18; or (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over. (3) For the purposes of [ss] (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or (b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(4) A person is, in relation to premises and a time, a responsible person for the purposes of [ss] (1) if, at that time, he is (a) the person or one of the persons holding a premises licence in respect of the premises; or (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.

(5) The individual to whom the sales mentioned in [ss] (1) are made may, but need not be, the same in each case. (6) The same sale may not be counted in respect of different offences for the purpose (a) of enabling the same person to be convicted of more than one offence under this [s]; or (b) of enabling the same person to be convicted of both an offence under this [s] and an offence under [s] 146 or 147. (7) In determining whether an offence under this [s] has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion (a) the conviction of a person for an offence under [s] 146 in respect of a sale to that individual on those premises on that occasion; (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale. (8) A person guilty of an offence under this [s] shall be liable, on [SC], to a fine. (9) The [SS] may by order amend [ss] (8) to increase the maximum fine for the time being specified in that [ss].

147B. **Order suspending a licence in respect of offence under [s] 147A**. (1) Where the holder of a premises licence is convicted of an offence under [s] 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding [3] months. (2) Where more than one person is liable for an offence under [s] 147A relating to the same sales, no more than one order under [ss] (1) may be made in relation to the premises in question in respect of convictions by reference to those sales. (3) Subject to [ss] (4) and (5), an order under [ss] (1) comes into force at the time specified by the court that makes it. (4) Where a magistrates' court makes an order under [ss] (1), it may suspend its coming into force pending an appeal. (5) [s] 130 (*powers of appellate court to suspend [s] 129 order*) applies (with the omission of [s] (9)) where an order under [s] (1) is made on conviction of an offence under [s] 147A as it applies where an order under [s] 129 is made on conviction of a relevant offence in Part 6.

S 149. **Purchase of alcohol by or on behalf of children**. (1) An individual aged under 18 commits an offence if (a) he buys or attempts to buy alcohol, or (b) where he is a member of a club (i) alcohol is supplied to him or to his order by or on behalf of the club, as a result of some act or default of his, or (ii) he attempts to have alcohol supplied to him or to his order by or on behalf of the club. (2) But [ss] (1) does not apply where the individual buys or attempts to buy the alcohol at the request of (a) a [PO], or (b) a weights and measures inspector, who is acting in the course of his duty. (3) A person commits an offence if (a) he buys or attempts to buy alcohol on behalf of an individual aged under 18, or

(b) where he is a member of a club, on behalf of an individual aged under 18 he (i) makes arrangements whereby alcohol is supplied to him or to his order by or on behalf of the club, or (ii) attempts to make such arrangements. (4) A person ("*the relevant person*") commits an offence if (a) he buys or attempts to buy alcohol for consumption on relevant premises by an individual aged under 18, or (b) where he is a member of a club -

(i) by some act or default of his, alcohol is supplied to him, or to his order, by or on behalf of the club for consumption on relevant premises by an individual aged under 18, or (ii) he attempts to have alcohol so supplied for such consumption. (5) But [ss] (4) does not apply where (a) the relevant person is aged 18 or over, (b) the individual is aged 16 or 17, (c) the alcohol is beer, wine or cider, (d) its purchase or supply is for

consumption at a table meal on relevant premises, and (e) the individual is accompanied at the meal by an individual aged 18 or over. (6) Where a person is charged with an offence under [ss] (3) or (4) it is a defence that he had no reason to suspect that the individual was aged under 18.

(7) A person guilty of an offence under this [s] is liable on [SC] (a) in the case of an offence under [ss] (1), to a fine not exceeding level 3 [], and (b) in the case of an offence under [ss] (3) or (4), to a fine not exceeding level 5 [].

S 150. **Consumption of alcohol by children.** (1) An individual aged under 18 commits an offence if he knowingly consumes alcohol on relevant premises. (2) A person to whom [ss] (3) applies commits an offence if he knowingly allows the consumption of alcohol on relevant premises by an individual aged under 18. (3) This [ss] applies (a) to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the consumption, and (b) where the alcohol was supplied by a club to or to the order of a member of the club, to any member or officer of the club who is present at the premises at the time of the consumption in a capacity which enables him to prevent it.

(4) [ss] (1) and (2) do not apply where (a) the individual is aged 16 or 17, (b) the alcohol is beer, wine or cider, (c) its consumption is at a table meal on relevant premises, and (d) the individual is accompanied at the meal by an individual aged 18 or over. (5) A person guilty of an offence under this [s] is liable on [SC] (a) in the case of an offence under [ss] (1), to a fine not exceeding level 3 [], and (b) in the case of an offence under [ss] (2), to a fine not exceeding level 5 [].

S 151. **Delivering alcohol to children.** (1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18 (a) alcohol sold on the premises, or (b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club. (2) A person to whom [ss] (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises. (3) This [ss] applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol. (4) A person to whom [ss] (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club. (5) This [ss] applies (a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and (b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply. (6) [ss] (1), (2) and (4) do not apply where (a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or (b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or (c) the alcohol is sold or supplied for consumption on the relevant premises. (7) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 5 [].

S 152. **Sending a child to obtain alcohol.** (1) A person commits an offence if he knowingly sends an individual aged under 18 to obtain (a) alcohol sold or to be sold on relevant premises for consumption off the premises, or (b) alcohol supplied or to be supplied by or on behalf of a club to or to the order of a member of the club for such consumption. (2) For the purposes of this [s], it is immaterial whether the individual aged under 18 is sent to obtain the alcohol from the relevant premises or from other premises from which it is delivered in pursuance of the sale or supply. (3) [ss] (1) does not apply where the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol. (4) [Ss] (1) also does not apply where the individual aged under 18 is sent by (a) a [PO], or (b) a weights and measures inspector, who is acting in the course of his duty. (5) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 5 [].

S 153. **Prohibition of unsupervised sales by children.** (1) A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises (a) any sale of alcohol, or (b) any supply of alcohol by or on behalf of a club to or to the order of a member of the club, unless the sale or supply has been specifically approved by that or another responsible person. (2) But [ss] (1) does not apply where (a) the alcohol is sold or supplied for consumption with a table meal, (b) it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used), and (c) the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

(3) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 1 []. (4) In this [s] “responsible person” means (a) in relation to licensed premises (i) the holder of a premises licence in respect of the premises, (ii) the designated premises supervisor (if any) under such a licence, or (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor, (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, and (c) in relation to premises which may be used for a permitted temporary activity by virtue of Part 5 (i) the premises user, or (ii) any individual aged 18 or over who is authorised for the purposes of this [s] by the premises user.

S 154. **Enforcement role for weights and measures authorities** (1) It is the duty of every local weights and measures authority in England and Wales to enforce within its area the provisions of [ss] 146 and 147, so far as they apply to sales of alcohol made on or from premises to which the public have access. (2) A weights and measures inspector may make, or authorise any person to make on his behalf, such purchases of goods as appear expedient for the purpose of determining whether those provisions are being complied with.

#### **Policing and Crime Act 2009**

S 30. **Offence of persistently possessing alcohol in a public place** (1) A person under the age of 18 is guilty of an offence if, without reasonable excuse, the person is in possession of alcohol in any relevant place on 3 or more occasions within a period of 12 consecutive months. (2) “Relevant place”, in relation to a person, means (a) any public place, other than excluded premises, or (b) any place, other than a public place, to which the person has unlawfully gained access. (3) A person guilty of an offence under this [s] is liable on [SC] to a fine not exceeding level 2 [].

(4) For the purposes of [ss] (2) a place is a public place if at the material time the public or any section of the public has access to it, on payment or otherwise, as of right or by virtue of express or implied permission.(5) In [ss] (2) “*excluded premises*”(a) in relation to [E&W], means (i) premises which may by virtue of Part 3 or 5 of the Licensing Act 2003 (c. 17) (*premises licence or permitted temporary activity*) be used for the supply of alcohol, (ii) premises which may by virtue of Part 4 of that Act (*club premises certificate*) be used for the supply of alcohol to members or guests,(b) in relation to [NI], means (i) licensed premises within the meaning of the 1996 Licensing Order, (ii) premises of a club registered under the Registration of Clubs ([NI]) Order 1996 (S.I. 1996/3159 (N.I. 23)),(iii) premises for which an occasional licence (within the meaning of the 1996 Licensing Order) has been granted.(6) In this [s] “*alcohol*”(a) in relation to [E&W], has the same meaning as in the Licensing Act 2003, (b) in relation to [NI], has the same meaning as “*intoxicating liquor*” in the 1996 Licensing Order. (7) References in this [s] to the 1996 Licensing Order are to the Licensing ([NI]) Order 1996 (S. I. 1996/3158 (N. I. 22)).

#### Appendix 6

##### Serious Crime Act 2015

**S 45. Offence of participating in activities of organised crime group.** (1) A person who participates in the criminal activities of an organised crime group commits an offence. (2) For this purpose, a person participates in the criminal activities of an organised crime group if the person takes part in any activities that the person knows or reasonably suspects (a) are criminal activities of an organised crime group, or (b) will help an organised crime group to carry on criminal activities. (3) “*Criminal activities*” are activities within [ss] (4) or (5) that are carried on with a view to obtaining (directly or indirectly) any gain or benefit. (4) Activities are within this [ss] if (a) they are carried on in [E&W], and (b) they constitute an offence in [E&W] punishable on conviction on indictment with imprisonment for a term of 7 years or more. (5) Activities are within this [ss] if (a) they are carried on outside [E&W], (b) they constitute an offence under the law in force of the country where they are carried on, and (c) they would constitute an offence in [E&W] of the kind mentioned in [ss] (4)(b) if the activities were carried on in [E&W]. (6) “*Organised crime group*” means a group that (a) has as its purpose, or as one of its purposes, the carrying on of criminal activities, and (b) consists of three or more persons who act, or agree to act, together to further that purpose. (7) For a person to be guilty of an offence under this [s] it is not necessary (a) for the person to know any of the persons who are members of the [OCG]; (b) for all of the acts or omissions comprising participation in the group’s criminal activities to take place in [E&W] (so long as at least one of them does), or (c) for the gain or benefit referred to in [ss] (3) to be financial in nature. (8) It is a defence for a person charged with an offence under this [s] to prove that the person’s participation was necessary for a purpose related to the prevention or detection of crime. (9) A person guilty of an offence under this [s] is liable on conviction on indictment to imprisonment for a term not exceeding 5 years.

##### Laser Misuse (Vehicles) Act 2018

**S 1. Offence of shining or directing a laser beam towards a vehicle** (1) A person commits an offence if (a) the person shines or directs a laser beam towards a vehicle which is moving or ready to move, and (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle. (2) It is a defence to show (a) that the person had a reasonable excuse for shining or directing the laser beam towards the vehicle, or (b) that the person (i) did not intend to shine or direct the laser beam towards the vehicle, and (ii) exercised all due diligence and took all reasonable precautions to avoid doing so. (3) A person is taken to have shown a fact mentioned in [ss] (2) if (a) sufficient evidence is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (4) A person who commits an offence under this [s] is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both; (c) on [SC] in [NI], to imprisonment for a term not exceeding [6] months, to a fine not exceeding the statutory maximum or to both; (d) on conviction on indictment, to imprisonment for a term not exceeding [5] years, to a fine or to both. (5) In relation to an offence committed before 2 May 2022, the reference in [ss] (4)(a) to the general limit in a magistrates’ court is to be read as a reference to [6] months. (6) A mechanically propelled vehicle which is not moving or ready to move but whose engine or motor is running is to be treated for the purposes of [ss] (1)(a) as ready to move. (7) In relation to an aircraft, the reference in [ss](1)(b) to “*a person with control of the vehicle*” is a reference to any person on the aircraft who is engaged in controlling it, or in monitoring the controlling of it. (8) In relation to a vessel, hovercraft or submarine, the reference in [ss] (1)(b) to “*a person with control of the vehicle*” is a reference to the master, the pilot or any person engaged in navigating the vessel, hovercraft or submarine.

**S 2. Offences relating to air traffic services** (1) A person commits an offence if (a) the person shines or directs a laser beam (i) towards an air traffic facility, or (ii) towards a person providing air traffic services, and (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person providing air traffic services. (2) It is a defence to show (a) that the person had a reasonable excuse for shining or directing the laser beam towards the facility or person, or (b) that the person (i) did not intend to shine or direct the laser beam towards the facility or person, and (ii) exercised all due diligence and took all reasonable precautions to avoid doing so. (3) A person is taken to have shown a fact mentioned in [ss] (2) if (a) sufficient evidence is adduced to raise an issue with respect to it, and (b) the contrary is not proved beyond reasonable doubt. (4) A person who commits an offence under this [s] is liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both; (c) on [SC] in [NI], to imprisonment for a term not exceeding [6] months, to a fine not exceeding the statutory maximum or to both; (d) on conviction on indictment, to imprisonment for a term not exceeding [5] years, to a fine or to both. (5) In relation to an offence committed before 2 May 2022, the reference in [ss] (4)(a) to the general limit in a magistrates’ court is to be read as a reference to [6] months. (6) In this [s] “*air traffic facility*” means any building, structure, vehicle or other place from which air traffic services are provided; “*air traffic services*” has the meaning given by [s] 98(1) of the Transport Act 2000.

**Acknowledgments**

Not applicable.

**Authors contributions**

Not applicable.

**Funding**

Not applicable.

**Competing interests**

Not applicable.

**Informed consent**

Obtained.

**Ethics approval**

The Publication Ethics Committee of the Canadian Center of Science and Education.

The journal's policies adhere to the Core Practices established by the Committee on Publication Ethics (COPE).

**Provenance and peer review**

Not commissioned; externally double-blind peer reviewed.

**Data availability statement**

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

**Data sharing statement**

No additional data are available.

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