

Status: Point in time view as at 03/05/2007.

Changes to legislation: Public Order Act 1986, Part II is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SPORTING EVENTS

PART II

SCOTLAND

Introduction

- 9 Part V of the ^{M1}Criminal Justice (Scotland) Act 1980 (sporting events: control of alcohol etc.) shall be amended as mentioned in this Part.

Marginal Citations

M1 1980 c. 62.

Vehicles

- 10 After section 70 there shall be inserted the following—

“70A Alcohol on certain other vehicles.

- (1) This section applies to a motor vehicle which is not a public service vehicle but is adapted to carry more than 8 passengers and is being operated for the principal purpose of conveying two or more passengers for the whole or part of a journey to or from a designated sporting event.
- (2) Any person in possession of alcohol on a vehicle to which this section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or a fine not exceeding level 3 on the standard scale or both.
- (3) Any person who is drunk on a vehicle to which this section applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) Any person who permits alcohol to be carried on a vehicle to which this section applies and—
 - (a) is the driver of the vehicle, or
 - (b) where he is not its driver, is the keeper of the vehicle, the employee or agent of the keeper, a person to whom it is made available (by hire, loan or otherwise) by the keeper or the keeper’s employee or

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agent, or the employee or agent of a person to whom it is so made available,

shall, subject to section 71 of this Act, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

- 11 In section 71 (defences in connection with carriage of alcohol) for “or 70” there shall be substituted “, 70 or 70A(4)”.
- 12 In section 75 (police powers of enforcement) for “or 70” there shall be substituted “, 70 or 70A”.
- 13 In section 77 (interpretation of Part V)—
- (a) the following definitions shall be inserted in the appropriate places alphabetically—
 - ““keeper”, in relation to a vehicle, means the person having the duty to take out a licence for it under section 1(1) of the Vehicles (Excise) Act 1971;
 - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;”;
 - (b) in the definition of “public service vehicle” for the words “Part I of the Transport Act 1980” there shall be substituted the words “the ^{M2}Public Passenger Vehicles Act 1981”;

Marginal Citations

M2 1981 c. 14.

Fireworks etc.

- 14 (1) After section 72 there shall be inserted the following—

“72A Possession of fireworks etc. at sporting events.

- (1) Any person who has entered the relevant area of a designated sports ground and is in possession of a controlled article or substance at any time during the period of a designated sporting event shall be guilty of an offence.
- (2) Any person who, while in possession of a controlled article or substance, attempts to enter the relevant area of a designated sports ground at any time during the period of a designated sporting event at the ground shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) above shall be liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding level 3 on the standard scale or both.
- (4) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to show that he had lawful authority to be in possession of the controlled article or substance.
- (5) In subsections (1) and (2) above “controlled article or substance” means—
 - (a) 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

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in particular it includes distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not matches, cigarette lighters or heaters; and

(b) any article which is a firework.”.

(2) In section 75 (police powers of enforcement) at the end of subparagraph (ii) of paragraph (e) there shall be inserted—

“; or

(iii) a controlled article or substance as defined in section 72A(5) of this Act.”.

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