

*These notes refer to the Justice Act (Northern Ireland)
2011 (c.24) which received Royal Assent on 4 May 2011*

Justice Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Sport

Chapter 3 - Alcohol on vehicles travelling to regulated match

Section 40: Offences in connection with alcohol on vehicles

This section creates two offences around alcohol on certain transport to regulated matches. First, it defines which vehicles are covered by the offences created. These are motor vehicles which can carry 9 or more passengers and are being used principally for the purpose of carrying passengers for reward for the whole or part of a journey to a regulated match.

The first offence is that of causing or permitting intoxicating liquor to be carried on such a vehicle and applies to an operator, servant or agent of the operator; or the person who hired the vehicle, their servant or agent. The operator of a vehicle is the driver if the driver owns the vehicle. In any other case it is the person for whom the driver works. A person guilty of this offence is liable to a fine not exceeding level 4 on the standard scale. Currently a level 4 fine has a maximum value of £2,500.

It is also an offence to possess intoxicating liquor while on a relevant vehicle. A person guilty of this offence is liable to a fine not exceeding level 3 on the standard scale (current maximum £1,000) or to imprisonment for a term not exceeding 3 months.

A constable may stop and search a vehicle if he/she suspects that one of these offences has taken or is taking place. Definitions of 'intoxicating liquor' and 'motor vehicle' are provided.

The section gives the Department an order-making power to amend which vehicles this offence applies to. Such orders would be subject to affirmative resolution of the Assembly.