

Status: Point in time view as at 01/01/2006.

Changes to legislation: Public Order Act 1986, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 June 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

Section 40 (1).

SPORTING EVENTS

PART I

ENGLAND AND WALES

Introduction

- 1 The ^{M1}Sporting Events (Control of Alcohol etc.) Act 1985 shall be amended as mentioned in this Part.

Marginal Citations

M1 1985 c. 57.

Vehicles

- 2 The following shall be inserted after section 1 (offences in connection with alcohol on coaches and trains)—

“1A 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 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 intoxicating liquor to be carried on a motor vehicle to which this section applies is guilty of an offence—
- if he is its driver, or
 - 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 intoxicating liquor in his possession while on a motor vehicle to which this section applies is guilty of an offence.
- (4) A person who is drunk on a motor vehicle to which this section applies is guilty of an offence.

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(5) In this section—

“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, and

“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981.”.

Fireworks etc.

3 The following shall be inserted after section 2 (offences in connection with alcohol containers etc. at sports grounds)—

“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 section 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 section also applies to any article which is a firework.”.

Licensing etc.

4 F1

Textual Amendments
F1 Sch. 1 para. 4 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 1 {4}, 201(2), {Sch. 7} (with ss. 2(3), 15(2), 195); S.I. 2005/3068, art. 2(2) (with art. 4)

Supplementary

5 F2

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Textual Amendments

F2 Sch. 1 para. 5 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 1 {4}, 201(2), {Sch. 7} (with ss. 2(3), 15(2), 195); S.I. 2005/3068, art. 2(2) (with art. 4)

6 In section 7(3) (power to stop and search vehicles), after “public service vehicle (within the meaning of section 1 of this Act)” insert “or a motor vehicle to which section 1A of this Act applies”.

7 (1) Section 8 (penalties) shall be amended as follows.

(2) In paragraph (a) after “1(2)” there shall be inserted “or 1A(2)”.

(3) In paragraph (b) after “1(3)” there shall be inserted “, 1A(3)”, after “2(1)” there shall be inserted “, 2A(1)” and after “3(10)” there shall be inserted “, 5B(2), 5C(3), 5D(2)”.

(4) In paragraph (c) after “1(4)” there shall be inserted “, 1A(4)”.

(5) ^{F3}

Textual Amendments

F3 Sch. 1 para. 7(5) repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 1 {4}, 201(2), {Sch. 7} (with ss. 2(3), 15(2), 195); S.I. 2005/3068, art. 2(2) (with art. 4)

Minor amendment

8 ^{F4}

Textual Amendments

F4 Sch. 1 para. 8 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 1 {4}, 201(2), {Sch. 7} (with ss. 2(3), 15(2), 195); S.I. 2005/3068, art. 2(2) (with art. 4)

PART II

SCOTLAND

Introduction

9 Part V of the ^{M2}Criminal Justice (Scotland) Act 1980 (sporting events: control of alcohol etc.) shall be amended as mentioned in this Part.

Marginal Citations

M2 1980 c. 62.

Vehicles

10 After section 70 there shall be inserted the following—

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“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 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 ^{M3}Public Passenger Vehicles Act 1981”;

Marginal Citations

M3 1981 c. 14.

Fireworks etc.

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

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“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 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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