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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 The following shall be inserted after section 5—

“5A 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 subsection (3) below, the restricted period of a designated sporting event for the purposes of this section is the period

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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 paragraph (a) above.
- (3) The Secretary of State 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 subsection (2) above, as may be specified in the order, or
 - (b) that there shall be no restricted period.
- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5B Occasional licences.

- (1) An occasional licence which is in force for any place situated in the area of a designated sports ground, and which would (apart from this section) authorise the sale of intoxicating liquor at the place during the whole or part of the period of a designated sporting event at the ground, shall not authorise such sale.
- (2) Where the sale of intoxicating liquor would (apart from this section) be authorised by an occasional licence, its holder is guilty of an offence if he sells or authorises the sale of such liquor and by virtue of this section the licence does not authorise the sale.
- (3) A person is guilty of an offence if he consumes intoxicating liquor at a place, or takes such liquor from a place, at a time when an occasional licence which would (apart from this section) authorise the sale of the liquor at the place does not do so by virtue of this section.

5C Clubs.

- (1) Subsections (3) and (5) of section 39 of the Licensing Act 1964 (clubs), and subsection (4) of that section as it applies to subsection (3), shall not apply as regards the supply of intoxicating liquor in the area of a designated sports ground during the period of a designated sporting event at the ground or as regards the keeping of intoxicating liquor for such supply; but subsections (2) to (5) below shall apply.
- (2) During the period of such an event at the ground, intoxicating liquor shall not be supplied by or on behalf of a registered club to a member or guest in the area of the ground except at premises in respect of which the club is registered.

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- (3) A person supplying or authorising the supply of intoxicating liquor in contravention of subsection (2) above is guilty of an offence.
- (4) A person who, during the period of such an event, obtains or consumes intoxicating liquor supplied in contravention of subsection (2) above is guilty of an offence.
- (5) If intoxicating liquor is kept in any premises or place by or on behalf of a club for supply to members or their guests in contravention of subsection (2) above, every officer of the club is guilty of an offence unless he shows that it was so kept without his knowledge or consent.

5D Non-retail sales.

- (1) During the period of a designated sporting event at a designated sports ground, intoxicating liquor shall not be sold in the area of the ground except by sale by retail.
- (2) A person selling or authorising the sale of intoxicating liquor in contravention of subsection (1) above is guilty of an offence.
- (3) A person who, during the period of such an event, obtains or consumes intoxicating liquor sold in contravention of subsection (1) above is guilty of an offence.”.

Supplementary

- 5 In sections 2 and 3, after subsection (1) insert—
 - “(1A) Subsection (1)(a) above has effect subject to section 5A(1) of this Act.”
- 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) At the end there shall be inserted—
 - “(d) in the case of an offence under section 5B(3), 5C(4) or 5D(3), to a fine not exceeding level 3 on the standard scale, and
 - (e) in the case of an offence under section 5C(5), to a fine not exceeding level 1 on the standard scale.”.

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Minor amendment

- 8 Section 3(9) (notice varying order about sale or supply of intoxicating liquor) shall have effect, and be taken always to have had effect, as if in paragraph (b) “order” read “notice”.

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—

“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.”.

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- 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—

“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.”.

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(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.”.

SCHEDULE 2

Section 40(2).

OTHER AMENDMENTS

Conspiracy and Protection of Property Act 1875 (c.86)

1 (1) In section 7 of the Conspiracy and Protection of Property Act 1875 (offence to intimidate etc. with a view to compelling another to abstain from doing or to do an act) for the words from “shall” to the end there shall be substituted “shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.”.

(2) And the following shall be added at the end of that section—

“A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.”.

Prevention of Crime Act 1953 (c.14)

2 In section 1 of the Prevention of Crime Act 1953 (offence to have offensive weapon) at the end of subsection (4) (offensive weapon includes article intended by person having it for use by him) there shall be added “or by some other person”.

Civic Government (Scotland) Act 1982 (c.45)

3 (1) Part V of the Civic Government (Scotland) Act 1982 (public processions) shall be amended in accordance with this paragraph.

(2) In section 62 (notification of processions)—

(a) in subsection (1)—

(i) after “below” there shall be inserted “(a)”; and

(ii) at the end there shall be inserted—

“; and

(b) to the chief constable.”

(b) in subsection (2)—

(i) in paragraph (a), after “council” there shall be inserted “and to the office of the chief constable”;

(ii) in paragraph (b), for “that office” there shall be substituted “those offices”;

(c) in subsection (4)—

(i) after “area” there shall be inserted “(a)”; and

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- (ii) after “them” there shall be inserted—
 - “; and
 - (b) intimated to the chief constable,”; and
 - (d) in subsection (12), in the definition of “public place”, for “the Public Order Act 1936” there shall be substituted “Part II of the Public Order Act 1986”.
- (3) In section 63 (functions of regional and islands councils in relation to processions)—
 - (a) after subsection (1) there shall be inserted—
 - “(1A) Where notice of a proposal to hold a procession has been given or falls to be treated as having been given in accordance with section 62(1) of this Act—
 - (a) if a regional or islands council have made an order under subsection (1) above they may at any time thereafter, after consulting the chief constable, vary or revoke the order and, where they revoke it, make any order which they were empowered to make under that subsection;
 - (b) if they have decided not to make an order they may at any time thereafter, after consulting the chief constable, make any order which they were empowered to make under that subsection.”;
 - (b) in subsection (2) after “(1)” there shall be inserted “or (1A)”;
 - (c) in subsection (3)—
 - (i) in paragraph (a)(i), after “(1)” there shall be inserted “or (1A) above”;
 - (ii) in paragraph (a)(ii), for “such an order” there shall be substituted “an order under subsection (1) above or to revoke an order already made under subsection (1) or (1A) above”;
 - (iii) at the end of paragraph (a)(ii), for “and” there shall be substituted—
 - “(iii) where they have, under subsection (1A) above, varied such an order, a copy of the order as varied and a written statement of the reasons for the variation; and”;
 - (iv) in paragraph (b), after “(1)” there shall be inserted “or (1A)”, and after “made” where third occurring there shall be inserted “and, if the order has been varied under subsection (1A) above, that it has been so varied”; and
 - (v) at the end of paragraph (b) there shall be inserted—
 - “; and
 - (c) where they have revoked an order made under subsection (1) or (1A) above in relation to a proposal to hold a procession, make such arrangements as will ensure that persons who might take or are taking part in that procession are made aware of the fact that the order has been revoked.”.
- (4) In section 64 (appeals against orders under section 63)—
 - (a) in subsection (1) for the words from “against” to the end there shall be substituted—
 - “against—
 - (a) an order made under section 63(1) or (1A) of this Act; or
 - (b) a variation under section 63(1A) of this Act of an order made under section 63(1) or (1A),

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- in relation to the procession.”;
- (b) in subsection (4) after “make” there shall be inserted “or, as the case may be, to vary”; and
 - (c) in subsection (7) after “order” there shall be inserted “or, as the case may be, the variation of whose order”.
- (5) In section 65 (offences and enforcement)—
- (a) in paragraphs (b) and (c) of subsection (1), after “(1)” there shall be inserted “or (1A)”; and
 - (b) in paragraphs (b) and (c) of subsection (2), after “(1)” there shall be inserted “or (1A)”.
- (6) In section 66 (relationship with Public Order Act 1936)—
- (a) for “the Public Order Act 1936” there shall be substituted “Part II of the Public Order Act 1986”;
 - (b) in paragraph (a), for “or order made under section 3” there shall be substituted “under section 12”, and “or that order” shall be omitted; and
 - (c) in paragraph (b), “or order under the said section 3” shall be omitted.

Criminal Justice Act 1982 (c.48)

- 4 The following shall be inserted at the end of Part II of Schedule 1 to the Criminal Justice Act 1982 (statutory offences excluded from provisions for early release of prisoners)—

“ Public Order Act 1986

- 27 Section 1 (riot).
- 28 Section 2 (violent disorder).
- 29 Section 3 (affray).”.”

5 F1

Textual Amendments

F1 Sch. 2 para. 5 repealed by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), Sch. 21

6 F2

Textual Amendments

F2 Sch. 2 para. 6 repealed by S.I. 1987/463 (N.I. 7), art. 28(5), Sch. 2, and Broadcasting Act 1990 (c. 42, SIF 96), s. 203(3), Sch. 21

Police and Criminal Evidence Act 1984 (c.60)

- 7 In section 17(1)(c) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest for certain offences) in sub-paragraph (i) the words from “4” to “peace)” shall be omitted and after sub-paragraph (ii) there shall be inserted—

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“(iii) section 4 of the Public Order Act 1986 (fear or provocation of violence);”.

SCHEDULE 3

Section 40(3).

REPEALS

Chapter	Short title	Extent of repeal
13 Chas. 2. Stat. 1. c. 5.	Tumultuous Petitioning Act 1661.	The whole Act.
33 Geo. 3. c. 67.	Shipping Offences Act 1793.	The whole Act.
57 Geo. 3. c. 19.	Seditious Meetings Act 1817.	The whole Act.
5 Geo. 4. c. 83.	Vagrancy Act 1824.	In section 4, the words from “every person being armed” to “arrestable offence” and from “and every such gun” to the end.
2 & 3 Vict. c. 47.	Metropolitan Police Act 1839.	In section 54, paragraph 13.
2 & 3 Vict. c. xciv.	City of London Police Act 1839.	In section 35, paragraph 13.
3 Edw. 7. c. ccl.	Erith Tramways and Improvement Act 1903.	Section 171.
1 Edw. 8 & 1 Geo. 6. c. 6.	Public Order Act 1936.	Section 3. Section 4. Section 5. Section 5A. In section 7, in subsection (2) the words “or section 5 or 5A” and in subsection (3) the words “, four or five”. Section 8(6). In section 9, in subsection (1) the definition of “public procession” and in subsection (3) the words “by the council of any borough or district or”.
7 & 8 Geo. 6. c. cxxi.	Middlesex County Council Act 1944.	Section 309.
1967 c. 58.	Criminal Law Act 1967.	Section 11(3).

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		In Schedule 2, paragraph 2(1) (b).
1968 c. 54.	Theatres Act 1968.	Section 5. In sections 7(2), 8, 9(1), 10 (1) (a) and (b), 15(1)(a) and 18(2), the references to section 5.
1976 c. 74.	Race Relations Act 1976.	Section 70. Section 79(6).
1976 c. xxxv.	County of South Glamorgan Act 1976.	Section 25.
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	In Part I of Schedule 3, the entry relating to section 25. In section 75(e)(i), the word “or” at the end.
1980 c. x.	County of Merseyside Act 1980.	In section 30(2), paragraph (b), the word “and” preceding that paragraph and the words from “and may make” to the end. In section 30(5), the words “in the said section 31 or”. Section 31. In section 137(2), the reference to section 31.
1980 c. xi.	West Midlands County Council Act 1980.	Section 38, except subsection (4). In section 116(2), the reference to section 38.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 28, except subsection (4). In section 108(2), the reference to section 28.
1980 c. xv.	Isle of Wight Act 1980.	Section 26, except subsection (4). In section 63(2), the reference to section 26.
1981 c. ix.	Greater Manchester Act 1981.	Section 56, except subsection (4). In section 179(2), the reference to section 56.
1981 c. xxv.	East Sussex Act 1981.	Section 29.

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		In section 102(2), the reference to section 29.
1982 c. 45.	Civic Government (Scotland) Act 1982.	Section 62(10).
		In section 63(3)(a)(i), the word “or” at the end.
		In section 66, in paragraph (a), the words “or that order”, and in paragraph (b) the words “or order under the said section 3”.
1982 c. 48.	Criminal Justice Act 1982.	In Part I of Schedule 1, the entries relating to riot and affray.
1984 c. 46.	Cable and Broadcasting Act 1984.	Section 27.
		In section 33 (2), the words “an offence under section 27 above or”.
1984 c. 60.	Police and Criminal Evidence Act 1984.	In section 17(1)(c)(i) the words from “4” to “peace”.
1985 c. 57.	Sporting Events (Control of Alcohol etc.) Act 1985.	In section 8, the word “and” at the end of paragraph (b).

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