



Confiscation of Alcohol (Young Persons) Act 1997

1997 CHAPTER 33

An Act to permit the confiscation of intoxicating liquor held by or for use by young persons in public and certain other places; and for connected purposes. [21st March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Confiscation of intoxicating liquor.

- (1) Where a constable reasonably suspects that a person in a relevant place is in possession of ^[F1]alcohol] and that either—
- (a) he is under the age of 18; or
 - (b) he intends that any of the ^[F2]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 ^[F1]alcohol] in that or any other relevant place,

the constable may require him to surrender anything in his possession which is, or which the constable reasonably believes to be, ^[F1]alcohol][^[F3]or a container for ^[F4]alcohol]^[F5] ...]^[F6]

^[F7](1AA) A constable who imposes a requirement on a person under subsection (1) shall also require the person to state the person's name and address.]

^[F7](1AB) A constable who imposes a requirement on a person under subsection (1) may, if the constable 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.]

^{F8}(1A)

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- (2) A constable may dispose of anything surrendered to him under subsection (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 subsection (1)^{F9} or (1AA)] commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) A constable who imposes a requirement on a person under subsection (1) shall inform him of his suspicion and that failing without reasonable excuse to comply with a requirement imposed under that subsection^{F10} or (1AA)] is an offence.
- (5) ^{F11}A constable may arrest without warrant a person who fails to comply with a requirement imposed on him under subsection (1).]
- (6) In subsection (1) ^{F12}... “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.

^{F13}(7) In this section—

“alcohol”—

- (a) in relation to England and Wales, has the same meaning as in the Licensing Act 2003;
- (b) in relation to Northern Ireland, has the same meaning as “intoxicating liquor” in the Licensing (Northern Ireland) Order 1996; and

“licensed premises”—

- (a) in relation to England and Wales, 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 section 14 of that Act;
- (b) in relation to Northern Ireland, has the same meaning as in the Licensing (Northern Ireland) Order 1996.]

Textual Amendments

- F1** Words in s. 1(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 115\(2\)\(a\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F2** Words in s. 1(1)(b) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 115\(2\)\(b\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F3** Words in s. 1(1) inserted (1.9.2001) by [2001 c. 16, s. 29](#); S.I. 2001/2223, art. 4(b)
- F4** Words in s. 1(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 115\(2\)\(c\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2005/3056, art. 2(2)
- F5** Words in s. 1(1) repealed (10.9.2003) by [Licensing Act 2003 \(c. 17\), ss. 155\(1\)\(a\), 201\(2\), Sch. 7](#) (with [ss. 2\(3\), 15\(2\), 195](#)); S.I. 2003/2100, art. 2(a)(c)(i)
- F6** Words in s. 1(1) repealed (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 29\(2\), 116\(1\), Sch. 8 Pt. 3](#); S.I. 2010/125, art. 2(f)(u)
- F7** S. 1(1AA)(1AB) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 29\(3\), 116\(1\)](#); S.I. 2010/125, art. 2(f)

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- F8** S. 1(1A) repealed (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 29(4), 116(1), **Sch. 8 Pt. 3**; S.I. 2010/125, art. 2(f)(u)
- F9** Words in s. 1(3) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 29(5)**, 116(1); S.I. 2010/125, art. 2(f)
- F10** Words in s. 1(4) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 29(6)**, 116(1); S.I. 2010/125, art. 2(f)
- F11** S. 1(5) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), **Sch. 7 para. 33, 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)
- F12** Words in s. 1(6) repealed (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 29(7), 116(1), **Sch. 8 Pt. 3**; S.I. 2010/125, art. 2(f)(u)
- F13** S. 1(7) substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), **Sch. 6 para. 115(3)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

- C1** S.1 extended (with modifications) (2.12.2002.) by Police Reform Act 2002 (c.30), s. 41, {Sch. 5 para. 5}; S.I. 2002/2750, **art. 2(a)(iii)**
- C2** S. 1 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. I para. 6**; S.I. 2002/2750, art. {2(a)(ii)}
- C3** S. 1 extended by 2003 c. 6, Sch. 2A para. 6 (as inserted (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912), art. 1(3), **Sch. 5**)

2 Short title, commencement and extent.

- (1) This Act may be cited as the Confiscation of Alcohol (Young Persons) Act 1997.
- (2) Section 1 shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales and Northern Ireland.

Subordinate Legislation Made

- P1** S. 2(2) power fully exercised (18.7.1997): 1.8.1997 appointed day by S.I. 1997/1725, **art. 2**

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