



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATting CRIME AND DISORDER

### CHAPTER 2

#### PROVISIONS FOR COMBATting ALCOHOL-RELATED DISORDER

VALID FROM 19/06/2001

#### *Alcohol consumption in designated public places*

VALID FROM 01/09/2001

#### **12 Alcohol consumption in designated public places**

- (1) Subsection (2) applies if a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.
- (2) The constable may require the person concerned—
  - (a) not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor;
  - (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container).
- (3) A constable may dispose of anything surrendered to him under subsection (2) in such manner as he considers appropriate.

*Status: Point in time view as at 11/05/2001. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Alcohol consumption in designated public places. (See end of Document for details)*

- (4) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A constable who imposes a requirement on a person under subsection (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.
- (6) In section 24(2) of the 1984 Act (offences to which powers of arrest without warrant apply), after paragraph (q) there shall be inserted—
- “(qa) an offence under section 12(4) of the Criminal Justice and Police Act 2001.”

### 13 Designated public places

- (1) A place is, subject to section 14, a designated public place if it is—
- (a) a public place in the area of a local authority; and
  - (b) identified in an order made by that authority under subsection (2).
- (2) A local authority may for the purposes of subsection (1) by order identify any public place in their area if they are satisfied that—
- (a) nuisance or annoyance to members of the public or a section of the public; or
  - (b) disorder;
- has been associated with the consumption of intoxicating liquor in that place.
- (3) The power conferred by subsection (2) includes power—
- (a) to identify a place either specifically or by description;
  - (b) to revoke or amend orders previously made.
- (4) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under subsection (2).
- (5) Regulations under subsection (4) shall, in particular, include provision requiring local authorities to publicise the making and effect of orders under subsection (2).
- (6) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Modifications etc. (not altering text)

- C1** [S. 13\(2\)](#): functions of local authority not to be responsibility of an executive of the authority (E.) (1.9.2001) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) (as amended by [S.I. 2001/2831](#), [reg. 10](#)) which S.I. was revoked by [S.I. 2007/806](#), [reg. 11](#) and that effect continued by virtue of [S.I. 2007/806](#), [reg. 10\(2\)\(b\)](#)

#### Commencement Information

- II** [S. 13](#) wholly in force at 1.9.2001; [s. 13](#) not in force at Royal Assent see [s. 138](#); [s. 13](#) in force for certain purposes at 19.6.2001 by [S.I. 2001/2223](#), [art. 2\(2\)\(b\)](#); [s. 13](#) in force at 1.9.2001 by [S.I. 2001/2223](#), [art. 4\(a\)](#)

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VALID FROM 01/09/2001

#### **14 Places which are not designated public places**

- (1) A place is not a designated public place or a part of such a place if it is—
- (a) licensed premises or a registered club;
  - (b) a place within the curtilage of any licensed premises or registered club;
  - (c) a place where the sale of intoxicating liquor is for the time being authorised by an occasional permission or was so authorised within the last twenty minutes;
  - (d) a place where the sale of intoxicating liquor is not for the time being authorised by an occasional licence but was so authorised within the last twenty minutes;
  - (e) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (c. 66) (highway related uses).
- (2) In subsection (1)—
- “licensed premises”, “occasional licence” and “registered club” have the same meaning as in the Licensing Act 1964 (c. 26); and
  - “occasional permission” has the same meaning as in the Licensing (Occasional Permissions) Act 1983 (c. 24).

VALID FROM 01/09/2001

#### **15 Effect of sections 12 to 14 on byelaws**

- (1) Subsections (2) and (3) apply to any byelaw which—
- (a) prohibits, by the creation of an offence, the consumption in a particular public place of intoxicating liquor (including any liquor of a similar nature which falls within the byelaw); or
  - (b) makes any incidental, supplementary or consequential provision (whether relating to the seizure or control of containers or otherwise).
- (2) In so far as any byelaw to which this subsection applies would, apart from this subsection, have effect in relation to any designated public place, the byelaw—
- (a) shall cease to have effect in relation to that place; or
  - (b) where it is made after the order under section 13(2), shall not have effect in relation to that place.
- (3) In so far as any byelaw made by a local authority and to which this subsection applies still has effect at the end of the period of 5 years beginning with the day on which this subsection comes into force, it shall cease to have effect at the end of that period in relation to any public place.

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## **16 Interpretation of sections 12 to 15**

- (1) In sections 12 to 15, unless the context otherwise requires—
- “designated public place” has the meaning given by section 13(1);
  - “intoxicating liquor” has the same meaning as in the Licensing Act 1964; and
  - “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- (2) In sections 12 to 15 “local authority” means—
- (a) in relation to England—
    - (i) a unitary authority;
    - (ii) a district council so far as they are not a unitary authority;
  - (b) in relation to Wales, a county council or a county borough council.
- (3) In subsection (2) “unitary authority” means—
- (a) the council of a county so far as they are the council for an area for which there are no district councils;
  - (b) the council of any district comprised in an area for which there is no county council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly.

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