



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 1 **E+W**

#### ALCOHOL-RELATED VIOLENCE AND DISORDER

### CHAPTER 1 **E+W**

#### DRINKING BANNING ORDERS

##### *Introductory*

### <sup>F1</sup> **Drinking banning orders** **E+W**

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#### **Textual Amendments**

- F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

#### **Commencement Information**

- I1** S. 1 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(a)**

### <sup>F2</sup> **Duration of drinking banning orders** **E+W**

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*Status: This version of this Act contains provisions that are prospective.*

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(a\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I2** S. 2 in force at 31.8.2009 by S.I. 2009/1840, [art. 2\(b\)](#)

*Orders made on application*

**F13 Orders on an application to magistrates' court** **E+W**

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(a\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I3** S. 3 in force at 31.8.2009 by S.I. 2009/1840, [art. 2\(c\)](#)

**F14 Orders in county court proceedings** **E+W**

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(a\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I4** S. 4 in force at 31.8.2009 by S.I. 2009/1840, [art. 2\(d\)](#)

**F15 Variation or discharge of orders under s. 3 or 4** **E+W**

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(a\)](#) (with [ss.](#)

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21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I5** S. 5 in force at 31.8.2009 by S.I. 2009/1840, art. 2(e)

*Orders made on conviction*

**F16** **Orders on conviction in criminal proceedings** **E+W**

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I6** S. 6 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(a), 4, **Schs.**  
**I7** S. 6 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 2(a), 4, **Schs.**

**F17** **Supplementary provision about orders on conviction** **E+W**

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**Textual Amendments**

**F1** Ss. 1-7 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(aa)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

**Commencement Information**

**I8** S. 7 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(b), 4, **Schs.**  
**I9** S. 7 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 2(b), 4, **Schs.**

**8** **Variation or discharge of orders under s. 6** **E+W**

- F2(1) .....
- F2(2) .....
- F2(3) .....
- F2(4) .....
- F2(5) .....
- F2(6) .....

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<sup>F3</sup>(7) .....

#### Textual Amendments

- F2** S. 8(1)-(6) repealed (20.10.2014, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(bb)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)
- F3** S. 8(7) repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(gg)(viii) (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

#### Commencement Information

- I10** S. 8 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(c), 4, [Schs.](#)
- I11** S. 8 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 2(c), 4, [Schs.](#)

### *Supplemental provisions about drinking banning orders*

#### <sup>F4</sup>9 **Interim orders** E+W

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#### Textual Amendments

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(c\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

#### Commencement Information

- I12** S. 9 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, [art. 3\(a\)](#)
- I13** S. 9 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(a), 4, [Schs.](#)
- I14** S. 9 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 3(a), 4, [Schs.](#)

#### <sup>F4</sup>10 **Appeals** E+W

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#### Textual Amendments

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(c\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

#### Commencement Information

- I15** S. 10 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, [art. 3\(b\)](#)
- I16** S. 10 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(b), 4, [Schs.](#)
- I17** S. 10 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 3(b), 4, [Schs.](#)

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## **F<sup>4</sup>11 Breach of drinking banning orders** **E+W**

### **Textual Amendments**

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

### **Commencement Information**

- I18** S. 11 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(c)**  
**I19** S. 11 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(c), 4, **Schs.**  
**I20** S. 11 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 3(c), 4, **Schs.**

## **F<sup>4</sup>12 Approved courses** **E+W**

### **Textual Amendments**

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

### **Commencement Information**

- I21** S. 12 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(d)**  
**I22** S. 12 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(d), 4, **Schs.**  
**I23** S. 12 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 3(d), 4, **Schs.**

## **F<sup>4</sup>13 Certificates of completion of approved courses** **E+W**

### **Textual Amendments**

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 44(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

### **Commencement Information**

- I24** S. 13 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(e)**  
**I25** S. 13 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(e), 4, **Schs.**  
**I26** S. 13 in force at 1.11.2010 for specified purposes by S.I. 2010/2541, arts. 3(e), 4, **Schs.**

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#### <sup>F4</sup> **14 Interpretation of Chapter 1** **E+W**

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##### **Textual Amendments**

- F4** Ss. 9-14 repealed (20.10.2014 for specified purposes, 23.3.2015 in so far as not already in force) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 44\(c\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(cc)(vii) (as inserted (20.10.2014) by S.I. 2014/2754, arts. 1, 3(c)); S.I. 2015/373, art. 4(f)(ix)

##### **Commencement Information**

- I27** S. 14 in force at 31.8.2009 for specified purposes by [S.I. 2009/1840](#), [art. 3\(f\)](#)  
**I28** S. 14 in force at 1.4.2010 for specified purposes by [S.I. 2010/469](#), arts. 3(f), 4, [Schs.](#)  
**I29** S. 14 in force at 1.11.2010 for specified purposes by [S.I. 2010/2541](#), arts. 3(f), 4, [Schs.](#)

## **CHAPTER 2** **E+W**

### ALCOHOL DISORDER ZONES

#### <sup>F5</sup> **15 Power to impose charges on licence holders etc. in zones** **E+W**

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##### **Textual Amendments**

- F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 140](#), 157(1); S.I. 2012/2670, art. 2(c)

##### **Commencement Information**

- I30** S. 15 in force at 5.6.2008 by [S.I. 2008/1407](#), [art. 2](#)

#### <sup>F5</sup> **16 Designation of alcohol disorder zones** **E+W**

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##### **Textual Amendments**

- F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 140](#), 157(1); S.I. 2012/2670, art. 2(c)

##### **Commencement Information**

- I31** S. 16 in force at 5.6.2008 by [S.I. 2008/1407](#), [art. 2](#)

#### <sup>F5</sup> **17 Procedure for designation of zones** **E+W**

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**Textual Amendments**

**F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 140, 157(1)**; [S.I. 2012/2670](#), **art. 2(c)**

**Commencement Information**

**I32** S. 17 in force at 5.6.2008 by [S.I. 2008/1407](#), **art. 2**

**F518 Functions of local chief officer of police** **E+W**

**Textual Amendments**

**F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 140, 157(1)**; [S.I. 2012/2670](#), **art. 2(c)**

**Commencement Information**

**I33** S. 18 in force at 5.6.2008 by [S.I. 2008/1407](#), **art. 2**

**F519 Guidance about the designation of zones** **E+W**

**Textual Amendments**

**F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 140, 157(1)**; [S.I. 2012/2670](#), **art. 2(c)**

**Commencement Information**

**I34** S. 19 in force at 5.6.2008 by [S.I. 2008/1407](#), **art. 2**

**F520 Supplemental provisions for Chapter 2** **E+W**

**Textual Amendments**

**F5** Ss. 15-20 repealed (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 140, 157(1)**; [S.I. 2012/2670](#), **art. 2(c)**

**Commencement Information**

**I35** S. 20 in force at 5.6.2008 by [S.I. 2008/1407](#), **art. 2**

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## CHAPTER 3 E+W

### OTHER PROVISIONS

#### *Licence reviews*

## 21 **Power of police to require review of premises licence** E+W

After section 53 of the Licensing Act 2003 (c. 17), insert—

*“Summary reviews in serious cases of crime or disorder*

### **53A Summary reviews on application of senior police officer**

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
  - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
  - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;
 and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—
  - (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
  - (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
  - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
  - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
  - (d) prescribe the period after the making of the application within which the advertisement must be published;
  - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
  - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section—



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“senior member”, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and

“serious crime” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).

- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

### **53B Interim steps pending review**

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
- (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
- (a) its decision takes effect immediately or as soon after that as that authority directs; but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence; and
    - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
- (a) the holder of the premises licence;
  - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—

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- (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
  - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
- (a) the certificate that accompanied the application;
  - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
  - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

### **53C Review of premises licence following review notice**

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
- (a) hold a hearing to consider the application for the review and any relevant representations;
  - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
  - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- (3) Those steps are—
- (a) the modification of the conditions of the premises licence,
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—

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- (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the premises licence,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
- (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.”

**Commencement Information**

**I36** S. 21 in force at 1.10.2007 by S.I. 2007/2180, art. 3(a)

**22 Provisions supplemental to s. 21** **E+W**

- (1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—
- (a) in paragraph (a), after sub-paragraph (vi) insert—  
“(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),”;
  - (b) after paragraph (b), insert—  
“(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,”.
- (2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—

**“Summary review of premises licence**

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
- (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
  - (b) the holder of the premises licence, or

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(c) any other person who made relevant representations in relation to the application for the review.

(3) In sub-paragraph (2) “relevant representations” has the meaning given in section 53C(7).”

#### Commencement Information

I37 S. 22 in force at 1.10.2007 by S.I. 2007/2180, art. 3(a)

### *Persistently selling alcohol to children*

## 23 Offence of persistently selling alcohol to children E+W

(1) After section 147 of the Licensing Act 2003 (c. 17) insert—

### “147A Persistently selling alcohol to children

- (1) A person is guilty of an offence if—
  - (a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;
  - (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
  - (c) that person was a responsible person in relation to the premises at each such time.
- (2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—
  - (a) the person making the sale believed the individual to be aged under 18; or
  - (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.
- (3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—
  - (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
  - (b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—
  - (a) the person or one of the persons holding a premises licence in respect of the premises; or
  - (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.

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- (5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.
- (6) The same sale may not be counted in respect of different offences for the purpose—
  - (a) of enabling the same person to be convicted of more than one offence under this section; or
  - (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.
- (7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—
  - (a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;
  - (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or
  - (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.
- (8) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £10,000.
- (9) The Secretary of State may by order amend subsection (8) to increase the maximum fine for the time being specified in that subsection.

#### **147B Order suspending a licence in respect of offence under section 147A**

- (1) Where the holder of a premises licence is convicted of an offence under section 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding three months.
  - (2) Where more than one person is liable for an offence under section 147A relating to the same sales, no more than one order under subsection (1) may be made in relation to the premises in question in respect of convictions by reference to those sales.
  - (3) Subject to subsections (4) and (5), an order under subsection (1) comes into force at the time specified by the court that makes it.
  - (4) Where a magistrates' court makes an order under subsection (1), it may suspend its coming into force pending an appeal.
  - (5) Section 130 (powers of appellate court to suspend section 129 order) applies (with the omission of subsection (9)) where an order under subsection (1) is made on conviction of an offence under section 147A as it applies where an order under section 129 is made on conviction of a relevant offence in Part 6.”
- (2) In section 186(2) of that Act (persons who may institute prosecutions under that Act)
- 
- (a) in paragraph (a) (licensing authority), at the beginning insert “ except in the case of an offence under section 147A, ”; and

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- (b) in paragraph (c) (local weights and measures authority), for “or 147” substitute “, 147 or 147A”.
- (3) In section 197 of that Act (regulations and orders)—
  - (a) in subsection (3), after paragraph (c) insert—
    - “(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;”;
  - (b) in subsection (4), after “(c),” insert “ (ca), ”;
  - (c) after subsection (4) insert—
    - “(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not confined to the increase of the maximum fine to take account of changes in the value of money.”
- (4) A sale of alcohol is not to count for the purposes of the offence under section 147A of the Licensing Act 2003 (c. 17) if it took place before the commencement of this section.

#### Commencement Information

**I38** S. 23 in force at 6.4.2007 by S.I. 2007/858, art. 2(a)

## 24 Closure notices for persistently selling alcohol to children E+W

- (1) After section 169 of the Licensing Act 2003 insert—

*“Closure notices*

### **169A Closure notices for persistently selling alcohol to children**

- (1) A relevant officer may give a notice under this section (a “closure notice”) applying to any premises if—
  - (a) there is evidence that a person (“the offender”) has committed an offence under section 147A in relation to those premises;
  - (b) the relevant officer considers that the evidence is such that, if the offender were prosecuted for the offence, there would be a realistic prospect of his being convicted; and
  - (c) the offender is still, at the time when the notice is given, the holder of a premises licence in respect of those premises, or one of the holders of such a licence.
- (2) A closure notice is a notice which—
  - (a) proposes a prohibition for a period not exceeding 48 hours on sales of alcohol on the premises in question; and
  - (b) offers the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed by the notice.
- (3) A closure notice must—

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**Status:** This version of this Act contains provisions that are prospective.

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- (a) be in the form prescribed by regulations made by the Secretary of State;
  - (b) specify the premises to which it applies;
  - (c) give such particulars of the circumstances believed to constitute the alleged offence (including the sales to which it relates) as are necessary to provide reasonable information about it;
  - (d) specify the length of the period during which it is proposed that sales of alcohol should be prohibited on those premises;
  - (e) specify when that period would begin if the prohibition is accepted;
  - (f) explain what would be the effect of the proposed prohibition and the consequences under this Act (including the maximum penalties) of a sale of alcohol on the premises during the period for which it is in force;
  - (g) explain the right of every person who, at the time of the alleged offence, held or was one of the holders of a premises licence in respect of those premises to be tried for that offence; and
  - (h) explain how that right may be exercised and how (where it is not exercised) the proposed prohibition may be accepted.
- (4) The period specified for the purposes of subsection (3)(d) must be not more than 48 hours; and the time specified as the time from which that period would begin must be not less than 14 days after the date of the service of the closure notice in accordance with subsection (6).
- (5) The provision included in the notice by virtue of subsection (3)(h) must—
- (a) provide a means of identifying a police officer or trading standards officer to whom notice exercising the option to accept the prohibition may be given;
  - (b) set out particulars of where and how that notice may be given to that police officer or trading standards officer;
  - (c) require that notice to be given within 14 days after the date of the service of the closure notice; and
  - (d) explain that the right to be tried for the alleged offence will be taken to have been exercised unless every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition.
- (6) Section 184 (giving of notices) does not apply to a closure notice; but such a notice must be served on the premises to which it applies.
- (7) A closure notice may be served on the premises to which it applies—
- (a) only by being handed by a constable or trading standards officer to a person on the premises who appears to the constable or trading standards officer to have control of or responsibility for the premises (whether on his own or with others); and
  - (b) only at a time when it appears to that constable or trading standards officer that licensable activities are being carried on there.
- (8) A copy of every closure notice given under this section must be sent to the holder of the premises licence for the premises to which it applies at whatever address for that person is for the time being set out in the licence.

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- (9) A closure notice must not be given more than 3 months after the time of the last of the sales to which the alleged offence relates.
- (10) No more than one closure notice may be given in respect of offences relating to the same sales; nor may such a notice be given in respect of an offence in respect of which a prosecution has already been brought.
- (11) In this section “relevant officer” means—
  - (a) a police officer of the rank of superintendent or above; or
  - (b) an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.

### **169B Effect of closure notices**

- (1) This section applies where a closure notice is given under section 169A in respect of an alleged offence under section 147A.
  - (2) No proceedings may be brought for the alleged offence or any related offence at any time before the time when the prohibition proposed by the notice would take effect.
  - (3) If before that time every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition in the manner specified in the notice—
    - (a) that prohibition takes effect at the time so specified in relation to the premises in question; and
    - (b) no proceedings may subsequently be brought against any such person for the alleged offence or any related offence.
  - (4) If the prohibition contained in a closure notice takes effect in accordance with subsection (3)(a) in relation to any premises, so much of the premises licence for those premises as authorises the sale by retail of alcohol on those premises is suspended for the period specified in the closure notice.
  - (5) In this section “related offence”, in relation to the alleged offence, means an offence under section 146 or 147 in respect of any of the sales to which the alleged offence relates.
  - (6) The operation of this section is not affected by any contravention of section 169A(8).”
- (2) In subsection (1) of section 170 of that Act (exemptions from liability)—
    - (a) for “A constable is not” substitute “ Neither a constable nor a trading standards officer is ”; and
    - (b) at the end insert “ or of his functions in relation to a closure notice ”.
  - (3) For subsection (2) of that section substitute—
    - “(2) Neither a chief officer of police nor a local weights and measures authority is liable for relevant damages in respect of any act or omission of a person in the performance or purported performance, while under the direction or control of such a chief officer or local weights and measures authority—
      - (a) of a function of that person in relation to a closure order, or any extension of it; or



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(b) of a function in relation to a closure notice.”

(4) After subsection (4) of that section insert—

“(4A) In this section references to a constable include references to a person exercising the powers of a constable by virtue of a designation under section 38 of the Police Reform Act 2002 (community support officers etc.); and, in relation to such a person, the first reference in subsection (2) to a chief officer of police has effect as a reference to a police authority.”

(5) In section 171(5) of that Act (expressions defined for the purposes of Part 8),

(a) after the definition of “appropriate person” insert—

““closure notice” has the meaning given in section 169A;”

(b) after the definition of “extension” insert—

““local weights and measures authority” has the meaning given by section 69 of the Weights and Measures Act 1985;”

(c) after the definition of “senior police officer” insert—

““trading standards officer”, in relation to any premises to which a premises licence relates, means a person authorised by a local weights and measures authority to act in the area where those premises are situated in relation to proposed prohibitions contained in closure notices;”.

F<sup>6</sup>(6) .....

#### Textual Amendments

**F6** S. 24(6) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 19](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

#### Commencement Information

**I39** S. 24 in force at 6.4.2007 by [S.I. 2007/858](#), [art. 2\(a\)](#)

### *Door supervision at licensed premises*

## 25 **Mandatory premises licence condition: door supervision** **E+W**

(1) Section 21 of the Licensing Act 2003 (c. 17) (mandatory condition: door supervision) is amended as follows.

(2) In subsection (1) for “be licensed by the Security Industry Authority” substitute “—

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.”

(3) In subsection (3) in paragraph (a), at the end insert “ and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) ”.

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### *Alcohol related disorder in public places*

#### **F7 26 Designated public places** **E+W**

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##### **Textual Amendments**

- F7** S. 26 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(gg)(viii) (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

##### **Commencement Information**

- I40** S. 26 in force at 6.4.2007 by [S.I. 2007/858](#), [art. 2\(b\)](#)

#### **F8 27 Directions to individuals who represent a risk of disorder** **E+W**

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##### **Textual Amendments**

- F8** S. 27 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 45](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

##### **Commencement Information**

- I41** S. 27 in force at 22.8.2007 by [S.I. 2007/2180](#), [art. 2](#)

## **PART 2** **U.K.**

### WEAPONS ETC.

#### *Dangerous weapons*

#### **28 Using someone to mind a weapon** **E+W+S**

- (1) A person is guilty of an offence if—
- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
  - (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.
- (2) For the purposes of this section the cases in which a dangerous weapon is to be regarded as available to a person for an unlawful purpose include any case where—
- (a) the weapon is available for him to take possession of it at a time and place; and
  - (b) his possession of the weapon at that time and place would constitute, or be likely to involve or to lead to, the commission by him of an offence.

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- (3) In this section “dangerous weapon” means—
- (a) a firearm other than an air weapon or a component part of, or accessory to, an air weapon; or
  - (b) a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons).
- (4) In its application to Scotland, this section has effect with the omission of subsection “(3)(b)”, and of the word “or” immediately preceding it.

**Commencement Information**

**I42** S. 28 in force at 6.4.2007 by S.I. 2007/858, art. 2(c)

**29 Penalties etc. for offence under s. 28** **E+W+S**

- (1) This section applies where a person (“the offender”) is guilty of an offence under section 28.
- (2) Where the dangerous weapon in respect of which the offence was committed is a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (specified offensive weapons, knives and bladed weapons) applies, the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.
- (3) Where—
- (a) at the time of the offence, the offender was aged 16 or over, and
  - (b) the dangerous weapon in respect of which the offence was committed was a firearm mentioned in section 5(1)(a) to (af) or (c) or section 5(1A)(a) of the 1968 Act (firearms possession of which attracts a minimum sentence),
- the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both.

[<sup>F9</sup>(3A) For the minimum sentence which applies where a person is convicted in England and Wales of an offence under section 28, see section 311 of the Sentencing Code.]

<sup>F10</sup>(4) .....

<sup>F10</sup>(5) .....

<sup>F10</sup>(6) .....

- (7) On a conviction in Scotland, where—
- (a) subsection (3) applies, and
  - (b) the offender is aged 21 or over at the time of conviction,
- the court must impose (with or without a fine) a sentence of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.
- (8) On a conviction in Scotland, where—
- (a) subsection (3) applies, and
  - (b) the offender is aged under 21 at the time of conviction and is not a person in whose case subsection (9) applies,

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the court must impose (with or without a fine) a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995 (c. 46) of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(9) On a conviction in Scotland, where—

- (a) subsection (3) applies, and
- (b) the offender is, at the time of conviction, both aged under 18 and subject to a supervision requirement,

the court must impose (with or without a fine) a sentence of detention under section 208 of the Criminal Procedure (Scotland) Act 1995 of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(10) In any case not mentioned in subsection (2) or (3), the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

(11) <sup>[F11]</sup>Where—

- (a) a court <sup>[F12]</sup>in Scotland] is considering for the purposes of sentencing the seriousness of an offence under section 28, and
- (b) at the time of the offence the offender was aged 18 or over and the person used to look after, hide or transport the weapon was not,

the court must treat the fact that that person was under the age of 18 at that time as an aggravating factor (that is to say, a factor increasing the seriousness of the offence).]

(12) <sup>[F11]</sup>Where a court treats a person's age as an aggravating factor in accordance with subsection (11), it must state in open court that the offence was aggravated as mentioned in that subsection.]

<sup>[F13]</sup>(12A) For the requirement for a court in England and Wales considering for the purposes of sentencing the seriousness of an offence under section 28 to treat certain matters as aggravating factors, see section 70 of the Sentencing Code.]

(13) Where—

- (a) an offence under section 28 of using another person for a particular purpose is found to have involved that other person's having possession of a weapon, or being able to make it available, over a period of two or more days, or at some time during a period of two or more days, and
- (b) on any day in that period, an age requirement was satisfied,

the question whether subsection (3) applies or (as the case may be) the question whether the offence was aggravated under this section is to be determined as if the offence had been committed on that day.

(14) In subsection (13) the reference to an age requirement is a reference to either of the following—

- (a) the requirement of subsection (3) that the offender was aged 16 or over at the time of the offence;
- (b) the requirement of subsection (11) that the offender was aged 18 or over at that time and that the other person was not.

(15) In its application to Scotland, this section has effect with the omission of subsection (2), and of the reference to it in subsection (10).

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#### Textual Amendments

- F9** S. 29(3A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 258\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F10** S. 29(4)-(6) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F11** S. 29(11)(12) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F12** Words in s. 29(11)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 258\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F13** S. 29(12A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 258\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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

- C1** S. 29 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#); [S.I. 2012/1236](#), reg. 2

#### Commencement Information

- I43** S. 29 in force at 6.4.2007 by [S.I. 2007/858](#), [art. 2\(c\)](#)

### *Minimum sentences for firearms offences*

## 30 Minimum sentences for certain firearms offences **E+W+S**

- (1) The 1968 Act is amended as follows.
- (2) <sup>[F14]</sup>In section 51A (which imposes minimum sentence requirements for certain offences involving the possession of various firearms), in subsection (1)—
- (a) in paragraph (a)(ii), for “and” substitute “or”;
  - (b) after paragraph (a)(ii) insert—
    - “(iii) an offence under any of the provisions of this Act listed in subsection (1A) in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of this Act, and”.]
- (3) <sup>[F14]</sup>After that subsection insert—
- “(1A) The provisions are—
- (a) section 16 (possession of firearm with intent to injure);
  - (b) section 16A (possession of firearm with intent to cause fear of violence);
  - (c) section 17 (use of firearm to resist arrest);
  - (d) section 18 (carrying firearm with criminal intent);
  - (e) section 19 (carrying a firearm in a public place);
  - (f) section 20(1) (trespassing in a building with firearm).”]

(4) In Schedule 6 (prosecution and punishment of offences) in column 3, in paragraph (a) of the entries relating to sections 19 and 20(1), after “Summary”, in each place, insert

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“ except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act. ”

- (5) This section applies only to offences committed after the commencement of this section.

#### Textual Amendments

**F14** S. 30(2)(3) repealed (E.W.) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 29 (with ss. 413(4), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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

**C2** S. 30 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3) (with Sch. 1 para. 34); S.I. 2012/1236, reg. 2

#### Commencement Information

**I44** S. 30 in force at 6.4.2007 by S.I. 2007/858, art. 2(d)

### *Air weapons*

## 31 **Prohibition on sale or transfer of air weapons except by registered dealers** E+W +S

- (1) In subsection (1) of section 3 of the 1968 Act (offence for a person other than a registered firearms dealer to sell etc. a firearm or ammunition by way of trade or business), at the end of paragraph (b) insert “or
- (c) sells or transfers an air weapon, exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer.”
- (2) In section 40(2) of that Act (which excludes air weapons from the requirements to keep a register of transactions), omit the words from “to firearms” to “therein”.
- (3) In section 57(4) of that Act (interpretation), in the definition of “firearms dealer”, for the words from “manufactures” onwards substitute—
- “(a) manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies or shot guns; or
- (b) sells or transfers air weapons.”

#### Commencement Information

**I45** S. 31(1)(2) in force at 1.10.2007 by S.I. 2007/2180, art. 4(a)

**I46** S. 31(3) in force for specified purposes at 6.4.2007 by S.I. 2007/858, art. 2(e)

**I47** S. 31(3) in force in so far as not already in force at 1.10.2007 by S.I. 2007/2180, art. 4(a)

## 32 **Sales of air weapons by way of trade or business to be face to face** E+W+S

- [<sup>F15</sup>(1) This section applies where a person sells an air weapon by way of trade or business to an individual in Great Britain who is not registered as a firearms dealer.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 13 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) View outstanding changes*

- (2) A person is guilty of an offence if, for the purposes of the sale, he transfers possession of the air weapon to the buyer otherwise than at a time when both—
  - (a) the buyer, and
  - (b) either the seller or a representative of his,are present in person.
- (3) The reference in subsection (2) to a representative of the seller is a reference to—
  - (a) a person who is employed by the seller in his business as a registered firearms dealer;
  - (b) a registered firearms dealer who has been authorised by the seller to act on his behalf in relation to the sale; or
  - (c) a person who is employed by a person falling within paragraph (b) in his business as a registered firearms dealer.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale, or to both; and
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (4)(a) of this section to 51 weeks is to be read as a reference to 6 months.]

#### Textual Amendments

**F15** S. 32 repealed (S.) (31.12.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), s. 88(2), [sch. 2 para. 3](#); [S.S.I. 2016/130](#), art. 3(c)

#### Commencement Information

**I48** S. 32 in force at 1.10.2007 by [S.I. 2007/2180](#), [art. 3\(b\)](#)

### 33 Age limits for purchase etc. of air weapons **E+W+S**

- (1) The 1968 Act is amended as follows.
- (2) For section 22(1) (acquisition and possession of firearms by minors) substitute—

“(1) It is an offence—

  - (a) for a person under the age of eighteen to purchase or hire an air weapon or ammunition for an air weapon;
  - (b) for a person under the age of seventeen to purchase or hire a firearm or ammunition of any other description.”
- (3) In subsection (4) of that section, for “seventeen” substitute “eighteen”.
- (4) For section 24(1) (supplying firearms to minors) substitute—

“(1) It is an offence—

  - (a) to sell or let on hire an air weapon or ammunition for an air weapon to a person under the age of eighteen;

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- (b) to sell or let on hire a firearm or ammunition of any other description to a person under the age of seventeen.”
- (5) In subsection (4) of that section in paragraphs (a) and (b), for “seventeen” substitute “eighteen”.
- (6) In the table in Part 1 of Schedule 6 (punishment)—
  - (a) in the entry for section 22(1), in the second column, at the end insert “ or person under 18 acquiring air weapon ”;
  - (b) in the entry for section 22(4), in the second column, for “17” substitute “ 18 ”;
  - (c) in the entry for section 24(1), in the second column, at the end insert “ or an air weapon to a person under 18 ”;
  - (d) in the entry for section 24(4), in the second column, for “17” substitute “ 18 ”.

#### Commencement Information

**I49** S. 33 in force at 1.10.2007 by S.I. 2007/2180, art. 3(c)

### 34 Firing an air weapon beyond premises **E+W+S**

- (1) The 1968 Act is amended as follows.
- (2) After section 21 (possession of firearms by persons previously convicted of crime) insert—

#### “21A Firing an air weapon beyond premises

- (1) A person commits an offence if—
  - (a) he has with him an air weapon on any premises; and
  - (b) he uses it for firing a missile beyond those premises.
- (2) In proceedings against a person for an offence under this section it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).”
- (3) In section 23 (exceptions from section 22(4))—
  - (a) in subsection (1), for paragraphs (a) and (b) substitute “ for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises. ”;
  - (b) after that subsection insert—
    - “(1A) In proceedings against a person for an offence under subsection (1) it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).”;
  - (c) omit subsection (4).
- (4) In the table in Part 1 of Schedule 6 (punishment), after the entry for section 21(5) insert—



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“Section 21A	Person making improper use of air weapon	Summary	A fine of level 3 on the standard scale	Paragraphs 7 and 8 of Part II of this Schedule apply.”
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(5) In that table, in the entry for section 23(1), for the words in the second column substitute “ Person supervising a person under 18 and allowing him to make improper use of air weapon ”.

(6) In Part 2 of that Schedule (supplementary)—

- (a) in paragraph 7, after “under section” insert “ 21A, ”;
- (b) in paragraph 8, after “under section” insert “ 21A, ”.

#### Commencement Information

**150** S. 34 in force at 1.10.2007 by S.I. 2007/2180, art. 3(d)

### *Ammunition*

#### **35** Restriction on sale and purchase of primers **E+W+S**

- (1) This section applies to a cap-type primer designed for use in metallic ammunition for a firearm.
- (2) It is an offence for a person to sell to another either—
  - (a) a primer to which this section applies,
  - (b) an empty cartridge case incorporating such a primer,unless that other person falls within subsection (3).
- (3) A person falls within this subsection if—
  - (a) he is a registered firearms dealer;
  - (b) he sells by way of any trade or business either primers or empty cartridge cases incorporating primers, or both;
  - (c) he produces a certificate authorising him to possess a firearm of a relevant kind;
  - (d) he produces a certificate authorising him to possess ammunition of a relevant kind;
  - (e) he shows that he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies;
  - (f) he shows that he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 (c. 45) or any other enactment and otherwise than by virtue of being a person in the service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind;
  - (g) he produces a certificate authorising another person to have possession of such a firearm, or of such ammunition, together with that other person's authority to purchase the primer or empty cartridge case on his behalf; or
  - (h) he shows that he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question.

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- (4) It is an offence for a person to buy or to attempt to buy—
- (a) a primer to which this section applies, or
  - (b) an empty cartridge case incorporating such a primer,
- unless he falls within subsection (5).
- (5) A person falls within this subsection if—
- (a) he is a registered firearms dealer;
  - (b) he sells by way of any trade or business either primers or empty cartridge cases incorporating primers, or both;
  - (c) he holds a certificate authorising him to possess a firearm of a relevant kind;
  - (d) he holds a certificate authorising him to possess ammunition of a relevant kind;
  - (e) he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies;
  - (f) he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 or any other enactment and otherwise than by virtue of being a person in the service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind;
  - (g) he is in possession of a certificate authorising another person to have possession of such a firearm, or of such ammunition, and has that other person's authority to purchase the primer or empty cartridge case on his behalf; or
  - (h) he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question.
- (6) A person who is in the service of Her Majesty is entitled to acquire a primer to which this section applies if—
- (a) he is duly authorised in writing to acquire firearms and ammunition for the public service; or
  - (b) he is a person who is authorised to purchase a firearm or ammunition by virtue of a certificate issued in accordance with section 54(2)(b) of the 1968 Act (certificates for persons in naval, military or air service of Her Majesty).
- (7) An offence under this section shall be punishable, on summary conviction—
- (a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
  - (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.
- (8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (7)(a) of this section to 51 weeks is to be read as a reference to 6 months.
- (9) The power of the Secretary of State to make regulations for the purposes of subsection (3)(h) or (5)(h) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) That power includes power—
- (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

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- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(11) In this section—

“ammunition of a relevant kind” means ammunition for a firearm of a relevant kind;

“enactment” includes an enactment passed after the passing of this Act;

“firearm of a relevant kind” means a firearm other than a shot gun, an air weapon or a firearm chambered for rim-fire ammunition.

#### Commencement Information

**I51** S. 35 in force at 6.4.2007 by S.I. 2007/858, art. 2(f)

### *Imitation firearms*

## **36 Manufacture, import and sale of realistic imitation firearms** E+W+S

- (1) A person is guilty of an offence if—
  - (a) he manufactures a realistic imitation firearm;
  - (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;
  - (c) he sells a realistic imitation firearm; or
  - (d) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.
- (2) Subsection (1) has effect subject to the defences in section 37.
- (3) The Secretary of State may by regulations—
  - (a) provide for exceptions and exemptions from the offence under subsection (1); and
  - (b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.
- (4) Regulations under subsection (3) may—
  - (a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;
  - (b) provide for approvals and consents to be given in relation to particular cases or in relation to such descriptions of case as may be specified or described in the regulations; and
  - (c) confer the function of giving approvals or consents on such persons specified or described in the regulations as the Secretary of State thinks fit.
- (5) The power of the Secretary of State to make regulations under subsection (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) That power includes power—
  - (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

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- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.
- (7) A realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the customs and excise Acts.
- (8) In subsection (7) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).
- (9) An offence under this section shall be punishable, on summary conviction—
  - (a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
  - (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.
- (10) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (9)(a) of this section to 51 weeks is to be read as a reference to 6 months.
- (11) In this section “realistic imitation firearm” has the meaning given by section 38.

#### Commencement Information

**I52** S. 36 in force at 1.10.2007 by S.I. 2007/2180, art. 3(e)

### 37 Specific defences applying to the offence under s. 36 **E+W+S**

- (1) It shall be a defence for a person charged with an offence under section 36 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in subsection (2).
- (2) Those purposes are—
  - (a) the purposes of a museum or gallery;
  - (b) the purposes of theatrical performances and of rehearsals for such performances;
  - (c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48)\_see section 5B of that Act);
  - (d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21)\_see section 405(1) of that Act);
  - (e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State;
  - (f) the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.
- (3) It shall also be a defence for a person charged with an offence under section 36 in respect of conduct falling within subsection (1)(d) of that section to show that the conduct—
  - (a) was in the course of carrying on any trade or business; and

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- (b) was for the purpose of making the imitation firearm in question available to be modified in a way which would result in its ceasing to be a realistic imitation firearm.
- (4) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (1) or (3) if—
  - (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
  - (b) the contrary is not proved beyond a reasonable doubt.
- (5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) That power includes power—
  - (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.
- (7) In this section—
  - “historical re-enactment” means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;
  - “museum or gallery” includes any institution which—
    - (a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and
    - (b) gives the public access to it.

#### Commencement Information

I53 S. 37 in force at 1.10.2007 by S.I. 2007/2180, art. 3(f)

### 38 Meaning of “realistic imitation firearm” **E+W+S**

- (1) In sections 36 and 37 “realistic imitation firearm” means an imitation firearm which—
  - (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and
  - (b) is neither a de-activated firearm nor itself an antique.
- (2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—
  - (a) by an expert;
  - (b) on a close examination; or
  - (c) as a result of an attempt to load or to fire it.
- (3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm—

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- (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and
  - (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.
- (4) The Secretary of State may by regulations provide that, for the purposes of subsection (3)(b)—
- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and
  - (b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.
- (5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) That power includes power—
- (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.
- (7) In this section—
- “colour” is to be construed in accordance with subsection (9);
  - “de-activated firearm” means an imitation firearm that consists in something which—
    - (a) was a firearm; but
    - (b) has been so rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;
  - “real firearm” means—
    - (a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or
    - (b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.
- (8) In subsection (7) “modern firearm” means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.
- (9) References in this section, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.
- (10) Section 8 of the Firearms (Amendment) Act 1988 (c. 45) (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this section as it applies for the purposes of the 1968 Act.

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#### Commencement Information

**I54** S. 38 in force at 1.10.2007 by S.I. 2007/2180, art. 3(g)

### 39 Specification for imitation firearms **E+W+S**

- (1) The Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications which are—
  - (a) set out in the regulations; or
  - (b) approved by such persons and in such manner as may be so set out.
- (2) A person is guilty of an offence if—
  - (a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under this section;
  - (b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;
  - (c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or
  - (d) he brings an imitation firearm which does not conform to the specifications so required of it into Great Britain or causes such an imitation firearm to be brought into Great Britain.
- (3) An offence under this section shall be punishable, on summary conviction—
  - (a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
  - (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.
- (4) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(a) of this section to 51 weeks is to be read as a reference to 6 months.
- (5) Regulations under this section may provide that, in proceedings for an offence under this section, it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certified as so conforming by a person who is—
  - (a) specified in the regulations; or
  - (b) determined for the purpose in accordance with provisions contained in the regulations.
- (6) An imitation firearm brought into Great Britain which does not conform to the specifications required of it by regulations under this section shall be liable to forfeiture under the customs and excise Acts.
- (7) In subsection (6) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).
- (8) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) That power includes power—

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- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

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

**C3** S. 39(2)(d) restricted (11.8.2011) by [The Violent Crime Reduction Act 2006 \(Specification for Imitation Firearms\) Regulations 2011 \(S.I. 2011/1754\)](#), regs. 1, 7

**Commencement Information**

**I55** S. 39 in force at 1.10.2007 by [S.I. 2007/2180](#), [art. 3\(h\)](#)

**40 Supplying imitation firearms to minors** E+W+S

(1) After section 24 of the 1968 Act insert—

**“24A Supplying imitation firearms to minors**

- (1) It is an offence for a person under the age of eighteen to purchase an imitation firearm.
- (2) It is an offence to sell an imitation firearm to a person under the age of eighteen.
- (3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence—
  - (a) believed the other person to be aged eighteen or over; and
  - (b) had reasonable ground for that belief.
- (4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—
  - (a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and
  - (b) the contrary is not proved beyond a reasonable doubt.”

(2) In the table in Part 1 of Schedule 6 (punishment), after the entry for section 24(4) insert—

“Section 24A(1) or (2)	Acquisition by a minor of an imitation firearm and supplying him.	Summary	In England and Wales, 51 weeks or a fine of level 5 on the standard scale, or both. In Scotland, 6 months, or a fine of level 5 on the standard scale, or both.”
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- (3) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference to 51 weeks in the entry inserted by subsection (2) of this section is to be read as a reference to 6 months.

**Commencement Information**

**I56** S. 40 in force at 1.10.2007 by S.I. 2007/2180, art. 3(i)

**41 Increase of maximum sentence for possessing an imitation firearm** **E+W+S**

- (1) In the entry in Schedule 6 to the 1968 Act relating to section 19 of that Act (mode of trial and punishment of possession of firearm or imitation firearm in a public place)—
- (a) in paragraph (b) of column 3 (offence to be triable either way except in the case of an imitation firearm or air weapon), omit the words “ in the case of an imitation firearm or ”; and
  - (b) in column 4, for “7 years or a fine; or both” substitute—
    - “(i) if the weapon is an imitation firearm, 12 months or a fine, or both;
    - (ii) in any other case, 7 years or a fine, or both.”
- (2) An offence in England and Wales under section 19 of the 1968 Act in respect of an imitation firearm which is triable either way by virtue of this section is to be treated—
- (a) as an offence to which section 282(3) of the Criminal Justice Act 2003 (c. 44) (increase of maximum sentence on conviction of an either way offence) applies; and
  - (b) as not being an offence to which section 281(5) of that Act (increase of maximum sentence on conviction of a summary only offence) applies.
- (3) This section—
- (a) applies only to offences committed after the commencement of this section; and
  - (b) so far as it relates to subsection (3) of section 282 of the Criminal Justice Act 2003 or subsection (5) of section 281 of that Act, does not have effect in relation to offences committed before the commencement of that subsection.

**Commencement Information**

**I57** S. 41 in force at 1.10.2007 by S.I. 2007/2518, art. 2

*Knives, etc.*

**42 Increase of maximum sentences for offences of having knives etc.** **E+W**

- (1) In each of the following provisions of the Criminal Justice Act 1988 (c. 33), for “two” substitute “ four ”
- (a) section 139(6)(b) (maximum penalty for offence of having knife etc. in public place);

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- (b) section 139A(5)(a)(ii) (maximum penalty for offence of having knife etc. or offensive weapon on school premises).
- (2) This section applies only to offences committed after the commencement of this section.

#### Commencement Information

**I58** S. 42 in force at 12.2.2007 by S.I. 2007/74, art. 2(a)

### 43 Sale etc. of knives and other weapons **E+W**

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 141A(1) (prohibition on sale of knives etc. to persons under sixteen), for “sixteen” substitute “eighteen”.
- (3) In subsections (5), (8) and (9) of section 141 (defences relating to museums and galleries to offence of manufacture, sale etc. of prescribed weapons), for “prove” substitute “show”.
- (4) After subsection (11) of that section insert—
  - “(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—
    - (a) with an offence under subsection (1) above, or
    - (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,
 to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).
  - (11B) Those purposes are—
    - (a) the purposes of theatrical performances and of rehearsals for such performances;
    - (b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);
    - (c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).
  - (11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) if—
    - (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
    - (b) the contrary is not proved beyond a reasonable doubt.
  - (11D) The Secretary of State may by order made by statutory instrument—
    - (a) provide for exceptions and exemptions from the offence under subsection (1) above or from the prohibition in subsection (4) above; and
    - (b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise

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Management Act 1979, to show the matters specified or described in the order.

(11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.”

(5) The defence in section 141(11A) is not available in relation to so much of any charge as relates to conduct taking place before the commencement of this section.

#### Commencement Information

- I59** S. 43(1)(2) in force at 1.10.2007 by S.I. 2007/2180, **art. 3(j)**  
**I60** S. 43(3)(5) in force at 6.4.2008 by S.I. 2008/791, **art. 3(a)**  
**I61** S. 43(4) in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(a)**  
**I62** S. 43(4) in force at 6.4.2008 in so far as not already in force by S.I. 2008/791, **art. 3(a)**

#### 44 Sale etc. of crossbows **E+W**

(1) In the Crossbows Act 1987 (c. 32), in the provisions mentioned in subsection (2), for “seventeen”, in each place it occurs, substitute “eighteen”.

(2) The provisions are—

- (a) section 1 (sale and letting on hire);
- (b) section 2 (purchase and hiring);
- (c) section 3 (possession).

#### Commencement Information

- I63** S. 44 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(k)**

#### 45 Power of members of staff to search school pupils for weapons **E+W**

After section 550A of the Education Act 1996 (c. 56) insert—

##### “550AA Power of members of staff to search pupils for weapons

(1) A member of the staff of a school who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—

- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
- (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),

may search that pupil or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where—

- (a) the member of the staff and the pupil are on the premises of the school; or
- (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil.

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- (3) A person may carry out a search under this section only if—
- (a) he is the head teacher of the school; or
  - (b) he has been authorised by the head teacher to carry out the search.
- (4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school to require a person other than a member of the security staff of the school to carry out a search under this section.
- (5) A person who carries out a search of a pupil under this section—
- (a) may not require the pupil to remove any clothing other than outer clothing;
  - (b) must be of the same sex as the pupil; and
  - (c) may carry out the search only in the presence of another member of the staff who is also of the same sex as the pupil.
- (6) A pupil's possessions may not be searched under this section except in his presence and in the presence of another member of the staff.
- (7) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
  - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (8) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (9) A person who seizes anything under subsection (7) must deliver it to a police constable as soon as reasonably practicable.
- (10) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (11) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (12) In this section—
- “member of the staff”, in relation to a school, means—
- (a) any teacher who works at the school; and
  - (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;
- “member of the security staff” means a member of the staff whose work at the school consists wholly or mainly of security-related activities;
- “outer clothing” means—

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- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
  - (b) a hat, shoes, boots, gloves or a scarf;
- “possessions”, in relation to a pupil of a school, includes any goods over which he has or appears to have control.
- (13) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers.”

#### Commencement Information

**I64** S. 45 in force for E. at 31.5.2007 by S.I. 2007/858, art. 3(a)

**I65** S. 45 in force at 31.10.2010 for W. by S.I. 2010/2426, art. 2

#### 46 Power to search further education students for weapons **E+W**

After section 85A of the Further and Higher Education Act 1992 (c. 13) insert—

##### “85B Power to search further education students for weapons

- (1) A member of staff of an institution within the further education sector who has reasonable grounds for suspecting that a student at the institution may have with him or in his possessions—
- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
  - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),
- may search that student or his possessions for such articles and weapons.
- (2) A search under this section may be carried out only where—
- (a) the member of staff and the student are on the premises of the institution; or
  - (b) they are elsewhere and the member of staff has lawful control or charge of the student.
- (3) A person may carry out a search under this section only if—
- (a) he is the principal of the institution; or
  - (b) he has been authorised by the principal to carry out the search.
- (4) A person who carries out a search of a student under this section—
- (a) may not require the student to remove any clothing other than outer clothing;
  - (b) must be of the same sex as the student; and
  - (c) may carry out the search only in the presence of another member of staff who is also of the same sex as the student.
- (5) A student's possessions may not be searched under this section except in his presence and in the presence of another member of staff.

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- (6) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
  - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.
- (9) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (11) In this section—
- “member of staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee;
- “outer clothing” means—
- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
  - (b) a hat, shoes, boots, gloves or a scarf;
- “possessions”, in relation to a student of an institution within the further education sector, includes any goods over which he has or appears to have control.
- (12) The powers conferred by this section are in addition to any powers exercisable by the member of staff in question apart from this section and are not to be construed as restricting such powers.”

#### Commencement Information

**I66** S. 46 in force for E. at 31.5.2007 by S.I. 2007/858, art. 3(b)

**I67** S. 46 in force at 31.10.2010 for W. by S.I. 2010/2426, art. 2

#### 47 Power to search persons in attendance centres for weapons **E+W**

- (1) A member of staff of an attendance centre who has reasonable grounds for suspecting that a relevant person may have with him or in his possessions—
- (a) an article to which section 139 of the Criminal Justice Act 1988 (c. 33) applies (knives and blades etc.), or

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- (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953 (c. 14)),  
may search the relevant person or his possessions for such articles and weapons.
- (2) A search under this section may be carried out only where the member of staff and the relevant person are on the premises of the attendance centre.
- (3) A person may carry out a search under this section only if—
- (a) he is the officer in charge of the attendance centre; or
  - (b) he has been authorised by the officer in charge to carry out the search.
- (4) A person who carries out a search of a relevant person under this section—
- (a) may not require the relevant person to remove any clothing other than outer clothing;
  - (b) must be of the same sex as the relevant person; and
  - (c) may carry out the search only in the presence of another member of staff who is also of the same sex as the relevant person.
- (5) A relevant person's possessions may not be searched under this section except in his presence and in the presence of another member of staff.
- (6) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
  - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.
- (9) The Police (Property) Act 1897 (c. 30) (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (11) In this section—
- “attendance centre” has the same meaning as in Part 12 of the Criminal Justice Act 2003 (c. 44) (see section 221 of that Act);
- “officer in charge”, in relation to an attendance centre, means the member of staff for the time being in charge of that centre;
- “outer clothing” means—
- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
  - (b) a hat, shoes, boots, gloves or a scarf;

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“possessions”, in relation to a person, includes any goods over which he has or appears to have control;

“relevant person”, in relation to an attendance centre, means a person who is required to attend at that centre by virtue of—

- (a) a relevant order (within <sup>F16</sup>the meaning given by section 397(1) of the Sentencing Code); or
- (b) <sup>F17</sup>a youth rehabilitation order under <sup>F18</sup>Chapter 1 of Part 9 of that Code;]

- (12) The powers conferred by this section are in addition to any powers exercisable by the member of staff of an attendance centre in question apart from this section and are not to be construed as restricting such powers.

#### Textual Amendments

- F16** Words in s. 47(11) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 259(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F17** Words in s. 47(11) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 98** (with Sch. 27 para. 15); S.I. 2009/3074, art. 2(p)(xv) (with art. 4)
- F18** Words in s. 47(11) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 259(b)** (with Sch. 27); S.I. 2020/1236, reg. 2

#### Commencement Information

- I68** S. 47 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(l)**

### 48 Amendment of police power to search schools etc. for weapons **E+W**

In section 139B of the Criminal Justice Act 1988 (c. 33) (power of entry to search for knives etc. and offensive weapons), in subsection (1) for “believing” substitute “suspecting”.

#### Commencement Information

- I69** S. 48 in force at 31.5.2007 by S.I. 2007/858, **art. 3(c)**

### Supplemental

### 49 Consequential amendments relating to minimum sentences **U.K.**

Schedule 1 (which makes provision consequential on the provisions of this Part relating to minimum sentences) has effect.

#### Commencement Information

- I70** S. 49 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

### 50 Supplemental provisions for Part 2 **E+W+S**

- (1) In this Part “the 1968 Act” means the Firearms Act 1968 (c. 27).



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- (2) Expressions used in this Part and in the 1968 Act have the same meanings in this Part as in that Act.
- (3) The following provisions of the 1968 Act apply as if sections 28, 29, 32 and 35 to 39 of this Act were contained in that Act—
- (a) section 46 (power of search with warrant);
  - (b) section 51(4) (limitation period for prosecutions);
  - (c) section 52 (forfeiture and disposal of firearms and ammunition);
  - (d) section 58 (savings).
- (4) Section 35 binds persons in the service of Her Majesty; and for the purposes of—
- (a) this section,
  - (b) that section,
  - (c) section 37(2)(f),
  - (d) any rule of law under which any of the provisions of section 28, 29, 32, 36 or 39 do not bind the Crown,
- a person is in the service of Her Majesty if he is deemed to be in such service (or to be in the naval, military or air service of Her Majesty) for the purposes of and under section 54 of the 1968 Act (Crown application).

- (5) In section 52 of the 1968 Act, after subsection (4) insert—

“(5) In this section references to ammunition include references to a primer to which section 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer.”

#### Commencement Information

- I71** S. 50(1)(2)(5) in force at 6.4.2007 by S.I. 2007/858, art. 2(h)(i)
- I72** S. 50(3) in force for specified purposes at 6.4.2007 by S.I. 2007/858, art. 2(h)(ii)
- I73** S. 50(3)(4)(d) in force in so far as not already in force at 1.10.2007 by S.I. 2007/2180, art. 4(b)
- I74** S. 50(4)(a)(b) in force at 6.4.2007 by S.I. 2007/858, art. 2(h)(iii)
- I75** S. 50(4)(c) in force at 1.10.2007 by S.I. 2007/2180, art. 4(b)
- I76** S. 50(4)(d) in force for specified purposes at 6.4.2007 by S.I. 2007/858, art. 2(h)(iii)

## 51 Corresponding provision for Northern Ireland **N.I.**

Schedule 2 (which makes provision for Northern Ireland corresponding to that made by the preceding provisions of this Part, other than sections 31 to 35, 42 and 45 to 47) has effect.

#### Commencement Information

- I77** S. 51 in force for specified purposes at 6.4.2007 by S.I. 2007/858, art. 2(i)
- I78** S. 51 in force for specified purposes at 31.5.2007 by S.I. 2007/858, art. 3(d)
- I79** S. 51 in force for specified purposes at 1.10.2007 by S.I. 2007/2518, art. 3(a)
- I80** S. 51 in force for specified purposes at 1.10.2007 by S.I. 2007/2180, art. 4(c)
- I81** S. 51 in force at 1.4.2008 for specified purposes by S.I. 2008/791, art. 2(b)
- I82** S. 51 in force at 6.4.2008 for specified purposes by S.I. 2008/791, art. 3(b)

*Status: This version of this Act contains provisions that are prospective.*

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## PART 3 U.K.

### MISCELLANEOUS

#### Football

#### 52 Football-related disorder E+W

- (1) Section 5(2) of the Football (Disorder) Act 2000 (c. 25) (which imposes a latest date of 27th August 2007 for the making of applications for football banning orders under the Football Spectators Act 1989 (c. 37) and for the exercise of constables' powers under that Act to take summary measures) shall have no effect.
- (2) Schedule 3 (which amends the provisions of the Football Spectators Act 1989 relating to football banning orders and makes other amendments consequential on the amendment of that Act by this Act) has effect.
- (3) Sections 2 to 7 of the Football Spectators Act 1989 (the national membership scheme) shall cease to have effect.

#### Commencement Information

**183** S. 52 in force at 6.4.2007 by S.I. 2007/858, art. 2(k)

#### 53 Sale and disposal of tickets by unauthorised persons E+W

- (1) The Criminal Justice and Public Order Act 1994 (c. 33) is amended as follows.
- (2) In section 166 (sale of tickets by unauthorised persons), for subsection (1) substitute—
  - “(1) It is an offence for an unauthorised person to—
    - (a) sell a ticket for a designated football match, or
    - (b) otherwise to dispose of such a ticket to another person.”
- (3) In subsection (2) of that section—
  - (a) in paragraph (a)—
    - (i) after “sell” insert “ or otherwise dispose of ”;
    - (ii) omit “ by the home club or ”;
  - (b) after paragraph (a) insert—
    - “(aa) a reference to selling a ticket includes a reference to—
      - (i) offering to sell a ticket;
      - (ii) exposing a ticket for sale;
      - (iii) making a ticket available for sale by another;
      - (iv) advertising that a ticket is available for purchase; and
      - (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.”;
  - (c) in paragraph (c), for “Part I of the Football Spectators Act 1989 or which is a regulated football match for the purposes of Part II of that Act” substitute “ this section by order made by the Secretary of State ”.

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(4) After subsection (2) of that section insert—

“(2A) An order under subsection (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order.

(2B) The power of the Secretary of State to make an order under subsection (2)(c) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(5) In subsection (7) of that section, in paragraph (b), omit “ the home club or ”.

(6) After section 166 insert—

**“166A Supplementary provision relating to sale and disposal of tickets on internet**

(1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.

(2) If—

- (a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and
- (b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),

the service provider shall be guilty in England and Wales of an offence under that section.

(3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—

- (a) the transmission in a communication network of information falling within subsection (4), or
- (b) the storage of information provided by a recipient of the service, except where subsection (5) applies.

(4) Information falls within this subsection if—

- (a) it is provided by a recipient of the service; and
- (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.

(5) This subsection applies at any time in relation to information if—

- (a) the service provider knew when that information was provided that it contained material contravening section 166; or
- (b) that information is stored at that time (whether as mentioned in subsection (3)(b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.

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(6) In this section—

“the Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services”—

(a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/EC](#) of 20 July 1998); and

(b) is summarised in recital 17 of the Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“EEA State” means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;

“recipient of the service” means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“service provider” means any person providing an information society service.”

#### Commencement Information

**I84** S. 53 in force at 6.4.2007 by S.I. 2007/858, art. 2(k)

### *Sexual offences*

#### **54 Forfeiture and detention of vehicles etc. E+W+N.I.**

[<sup>F19</sup>Schedule 4 (which amends the Sexual Offences Act 2003 (c. 42) to restore powers of forfeiture and detention of vehicles, ships and aircraft used in relation to offences of trafficking for sexual exploitation) has effect.]

#### Textual Amendments

**F19** S. 54 repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28, Sch. 5

#### Commencement Information

**I85** S. 54 in force at 12.2.2007 by S.I. 2007/74, art. 2(b)

#### **55 Continuity of sexual offences law E+W+N.I.**

(1) This section applies where, in any proceedings—

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*Status: This version of this Act contains provisions that are prospective.*

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- (a) a person (“the defendant”) is charged in respect of the same conduct both with an offence under the Sexual Offences Act 2003 (“the 2003 Act offence”) and with an offence specified in subsection (2) (“the pre-commencement offence”);
  - (b) the only thing preventing the defendant from being found guilty of the 2003 Act offence is the fact that it has not been proved beyond a reasonable doubt that the time when the conduct took place was after the coming into force of the enactment providing for the offence; and
  - (c) the only thing preventing the defendant from being found guilty of the pre-commencement offence is the fact that it has not been proved beyond a reasonable doubt that that time was before the coming into force of the repeal of the enactment providing for the offence.
- (2) The offences referred to in subsection (1)(a) are—
- (a) any offence under the Sexual Offences Act 1956 (c. 69);
  - (b) an offence under section 4 of the Vagrancy Act 1824 (c. 83) (obscene exposure);
  - (c) an offence under section 28 of the Town Police Clauses Act 1847 (c. 89) (indecent exposure);
  - (d) an offence under section 61 or 62 of the Offences against the Person Act 1861 (c. 100) (buggery etc.);
  - (e) an offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients);
  - (f) an offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent with children);
  - (g) an offence under section 4 or 5 of the Sexual Offences Act 1967 (procuring an man to commit buggery and living on the earnings of male prostitution);
  - (h) an offence under section 9 of the Theft Act 1968 (c. 60) (burglary, including entering premises with intent to commit rape);
  - (i) an offence under section 54 of the Criminal Law Act 1977 (c. 45) (incitement of girl under 16 to commit incest);
  - (j) an offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children);
  - (k) an offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust);
  - (l) an offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (traffic in prostitution).
- (3) For the purpose of determining the guilt of the defendant it shall be conclusively presumed that the time when the conduct took place was—
- (a) if the maximum penalty for the pre-commencement offence is less than the maximum penalty for the 2003 Act offence, a time before the coming into force of the repeal of the enactment providing for the pre-commencement offence; and
  - (b) in any other case, a time after the coming into force of the enactment providing for the 2003 Act offence.
- (4) In subsection (3) the reference, in relation an offence, to the maximum penalty is a reference to the maximum penalty by way imprisonment or other detention that could be imposed on the defendant on conviction of the offence in the proceedings in question.

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- (5) A reference in this section to an offence under the Sexual Offences Act 2003 (c. 42) or to an offence specified in subsection (2) includes a reference to—
- (a) inciting the commission of that offence;
  - (b) conspiracy to commit that offence; and
  - (c) attempting to commit that offence;
- and, in relation to an offence falling within paragraphs (a) to (c), a reference in this section to the enactment providing for the offence so falling has effect as a reference to the enactment providing for the offence under that Act or, as the case may be, for the offence so specified.
- (6) This section applies to any proceedings, whenever commenced, other than proceedings in which the defendant has been convicted or acquitted of the 2003 Act offence or the pre-commencement offence before the commencement of this section.

#### Commencement Information

**186** S. 55 in force at 12.2.2007 by S.I. 2007/74, art. 2(c)

## 56 Cross-border provisions relating to sexual offences **E+W+N.I.**

- (1) The following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) extend to England and Wales and to Northern Ireland, as well as to Scotland—
- (a) section 17 (which relates to the making of sexual offences prevention orders in Scotland); and
  - (b) section 18 and the Schedule, so far as they provide for the amendment of the Sexual Offences Act 2003 (c. 42) (see paragraph 3 of the Schedule, which relates to the offences in respect of which powers are exercisable under Part 2 of the 2003 Act).

<sup>F20</sup>(2) .....

- (3) In section 129 of that Act, in subsection (1)(a) (effect of conviction under section 128), for “under section 128” substitute “ mentioned in subsection (1A) ”; and after subsection (1) insert—

“(1A) Those offences are—

- (a) an offence under section 128 of this Act;
- (b) an offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (contravention of RSHO or interim RSHO in Scotland).”

- (4) Subsection (3) of section 282 of the Criminal Justice Act 2003 (c. 44) (increase of maximum sentence on summary conviction of an either way offence), so far as it applies to offences under the Sexual Offences Act 2003, applies to them as amended, extended or applied by virtue of this section.

#### Textual Amendments

**F20** S. 56(2) repealed (8.3.2015 for E.W.) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 80** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 3(b)

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**57 Amendment of s. 82 of the Sexual Offences Act 2003** **E+W+N.I.**

- (1) In the table in section 82(1) of the Sexual Offences Act 2003 (c. 42) (notification period for persons convicted of sexual offences under requirement to notify the police about certain matters), in the entry relating to a person sentenced to imprisonment for life or for a term of 30 months or more, for “or for” substitute “, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or to imprisonment for”.
- (2) This section applies in relation to sentences passed before the passing of this Act, as well as to those passed after that.

**Commencement Information**

**187** S. 57 in force at 12.2.2007 by S.I. 2007/74, art. 2(d)

**58 Power of entry and search of relevant offender's home address** **E+W+N.I.**

- (1) Before section 97 of the Sexual Offences Act 2003 insert—

*“Entry and search of home address*

**96B Power of entry and search of relevant offender's home address**

- (1) If on an application made by a senior police officer of the relevant force a justice of the peace is satisfied that the requirements in subsection (2) are met in relation to any premises, he may issue a warrant authorising a constable of that force—
  - (a) to enter the premises for the purpose of assessing the risks posed by the relevant offender to which the warrant relates; and
  - (b) to search the premises for that purpose.
- (2) The requirements are—
  - (a) that the address of each set of premises specified in the application is an address falling within subsection (3);
  - (b) that the relevant offender is not one to whom subsection (4) applies;
  - (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a); and
  - (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.
- (3) An address falls within this subsection if—
  - (a) it is the address which was last notified in accordance with this Part by a relevant offender to the police as his home address; or
  - (b) there are reasonable grounds to believe that a relevant offender resides there or may regularly be found there.
- (4) This subsection applies to a relevant offender if he is—
  - (a) remanded in or committed to custody by order of a court;
  - (b) serving a sentence of imprisonment or a term of service detention;
  - (c) detained in a hospital; or

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- (d) outside the United Kingdom.
- (5) A warrant issued under this section must specify the one or more sets of premises to which it relates.
- (6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).
- (8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.
- (9) In this section a reference to the relevant offender to whom the warrant relates is a reference to the relevant offender—
- (a) who has in accordance with this Part notified the police that the premises specified in the warrant are his home address; or
  - (b) in respect of whom there are reasonable grounds to believe that he resides there or may regularly be found there.
- (10) In this section—
- “the relevant force” means the police force maintained for the police area in which the premises in respect of which the application is made or the warrant is issued are situated;
- “senior police officer” means a constable of the rank of superintendent or above.”
- (2) In section 136 of that Act (application of Part 2 to Northern Ireland), after subsection (7) insert—
- “(7A) References to a justice of the peace are to be read as references to a lay magistrate.”

#### Commencement Information

**I88** S. 58 in force at 31.5.2007 by S.I. 2007/858, art. 3(f)

#### Other

### 59 Limitation period for anti-social behaviour orders **E+W+N.I.**

<sup>F21</sup>(1) . . . . .

- (2) In Article 3 of the Anti-Social Behaviour (Northern Ireland) Order 2004 (SI 2004/1988 (NI 12)) (anti-social behaviour orders), after paragraph (4) insert—

“(4A) Nothing in this Article affects the operation of Article 78 of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time in respect of complaints made in courts of summary jurisdiction).”



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**Textual Amendments**

**F21** S. 59(1) repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**Commencement Information**

**I89** S. 59 in force at 6.4.2008 by S.I. 2008/791, [art. 3\(d\)](#)

**60 Parenting orders** **E+W**

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 8 (parenting orders)—
  - (a) in subsections (1)(b) and (6)(a) for “sex offender order” substitute “ sexual offences prevention order ”; and
  - (b) after subsection (8) insert—

“(9) In this section “sexual offences prevention order” means an order under section 104 of the Sexual Offences Act 2003 (sexual offences prevention orders).”
- (3) In section 18(1) (interpretation etc of Chapter 1 of Part 1), omit the definition of “ sex offender order ”.
- (4) The amendments made by subsection (2) have effect in relation to court proceedings in which an order under section 104 of the Sexual Offences Act 2003 (c. 42) is made before the passing of this Act, as well as those in which such an order is made after that.

PROSPECTIVE

**F22** **61 Committal of young persons of unruly character** **E+W**

**Textual Amendments**

**F22** S. 61 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 54](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

**62 Offering or agreeing to re-programme a mobile telephone** **U.K.**

- In section 1(1) of the Mobile Telephones (Re-programming) Act 2002 (c. 31) (offence of re-programming mobile telephone etc.), omit “ or ” at the end of paragraph (a) and after paragraph (b) insert—
- “(c) he offers or agrees to change, or interfere with the operation of, a unique device identifier, or
  - (d) he offers or agrees to arrange for another person to change, or interfere with the operation of, a unique device identifier.”

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#### Commencement Information

**190** S. 62 in force at 6.4.2007 by S.I. 2007/858, art. 2(l)

### 63 Removal of sports grounds etc. from private security industry regulation **E+W**

In section 4 of the Private Security Industry Act 2001 (c. 12) (exemptions from licensing requirement) after subsection (5) insert—

- “(6) A relevant employee who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect.
- (7) An employee for a visiting team who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if—
- (a) it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect; and
  - (b) that visiting team is involved in the activities for which the ground is being used, or which the stand is being used to view.
- (8) In subsection (7) a reference to a person being an employee for a visiting team is a reference to his being a relevant employee in relation to the visitors' ground, or in relation to a certified sports stand contained in the visitors' premises.
- (9) In this section “a relevant employee”, in relation to a certified sports ground or certified sports stand, means a person employed by—
- (a) the holder of its safety certificate;
  - (b) a person who manages the ground or stand or occupies the premises where it is or owns an interest in those premises;
  - (c) a company which is in the same group as a company falling within paragraph (b).
- (10) In this section a reference to the use of a certified sports ground for purposes for which the safety certificate has effect is a reference to—
- (a) the use of the ground for activities specified in a general safety certificate in force in respect of the use of that ground; or
  - (b) the use of the ground, on an occasion specified in a special safety certificate which is so in force, for activities specified in that certificate.
- (11) In this section a reference to the use of a certified sports stand for purposes for which the safety certificate has effect is a reference to—
- (a) the use of the stand for viewing activities specified in a general safety certificate in force in respect of the use of that stand; or
  - (b) the use of the stand, on an occasion specified in a special safety certificate which is so in force, for viewing activities specified in that certificate.
- (12) In this section—
- “certified sports ground” means a sports ground in respect of which a safety certificate is in force;

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“certified sports stand” means a sports stand in respect of which a safety certificate is in force;

“company”, “holding company” and “subsidiary” have the same meanings as in section 736 of the Companies Act 1985 (c. 6);

“group”, in relation to a company, means a holding company and all of its subsidiaries;

“safety certificate”, “general safety certificate” and “special safety certificate”—

(a) in relation to a sports ground, have the same meanings as in the Safety of Sports Grounds Act 1975 (see sections 1(4) and 17(1) of that Act); and

(b) in relation to a sports stand, have the same meanings as in Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (see section 26(2) and (11) of that Act);

“sports ground” has the same meaning as in that Act of 1975 (see section 17(1) of that Act);

“sports stand” means a stand within the meaning of Part 3 of that Act of 1987 (see section 26(11) of that Act);

“visiting team”, in relation to a certified sports ground (“the home ground”) or a certified sports stand contained in any premises (“the home premises”) means a team which uses as its base, or as one of its bases, any premises which are either—

(a) a certified sports ground which is not the home ground (“the visitors' ground”); or

(b) premises which are not the home premises and which contain a certified sports stand (“the visitors' premises”);

“visitors' ground” and “visitors' premises”, in relation to a visiting team, have the meanings given by the previous definition.”

## PART 4 U.K.

### GENERAL

#### 64 Expenses U.K.

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of such money under any other Act.

#### Commencement Information

191 S. 64 in force at 1.10.2007 by S.I. 2007/2180, art. 3(m)

#### 65 Repeals U.K.

The enactments listed in column 1 of Schedule 5 are repealed to the extent set out in column 2 of that Schedule.

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#### Commencement Information

- I92** S. 65 in force for specified purposes at 6.4.2007 by S.I. 2007/858, art. 2(m)  
**I93** S. 65 in force for specified purposes at 1.10.2007 by S.I. 2007/2518, art. 3(c)  
**I94** S. 65 in force for specified purposes at 1.10.2007 by S.I. 2007/2180, art. 4(e)  
**I95** S. 65 in force at 1.4.2008 for specified purposes by S.I. 2008/791, art. 2(d)

## 66 Short title, commencement and extent **U.K.**

- (1) This Act may be cited as the Violent Crime Reduction Act 2006.
- (2) This Act, other than—
  - (a) this section;
  - (b) section 25;
  - (c) section 56;
  - (d) section 60 and the repeal in section 18(1) of the Crime and Disorder Act 1998 (c. 37); and
  - (e) section 63,
 shall come into force on such day as the relevant national authority may by order made by statutory instrument appoint; and different days may be appointed for different purposes, including different areas.
- (3) In subsection (2) “the relevant national authority”—
  - (a) in relation to section 45 or 46 so far as it authorises the exercise of powers in relation to pupils of schools in Wales or students at institutions in Wales that are within the further education sector, means the National Assembly for Wales; and
  - (b) in all other cases, means the Secretary of State.
- (4) Section 49, Schedule 1, section 62 and this Part extend to the United Kingdom, except that—
  - (a) the amendments or repeals specified in Schedule 1 extend only so far as the enactments amended or repealed;
  - (b) the repeals by Schedule 5 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32) and of the enactments amending that Act extend to England and Wales only;
  - (c) the repeal by that Schedule of section 141(3) of the Criminal Justice Act 1988 (c. 33) extends to England and Wales and Northern Ireland only;
  - (d) the other repeals specified in that Schedule extend only so far as the enactments repealed.
- (5) Sections 28 to 41 and 50 extend to Great Britain only.
- (6) Section 51 and Schedule 2 and section 59(2) extend to Northern Ireland only.
- (7) Section 54 and Schedule 4 and sections 55 to 58 extend to England and Wales and Northern Ireland only.
- (8) The other provisions of this Act extend to England and Wales only.

**Status:**

This version of this Act contains provisions that are prospective.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 29(3)(b) words substituted by [2019 c. 17 Sch. 2 para. 10](#) (This amendment not applied to legislation.gov.uk. 2019 c. 17, Sch. 2 para. 10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- Sch. 2 para. 2(4) excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(b\)](#)
- Sch. 2 para. 2(5) excluded by [2016 c. 18 \(N.I.\) s. 170\(1\)s. 170\(2\)\(b\)](#)