



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 3

#### MISCELLANEOUS

PROSPECTIVE

#### *Football*

#### **52 Football-related disorder**

- (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.

#### **53 Sale and disposal of tickets by unauthorised persons**

- (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—

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- (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 ”.
- (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,

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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.
- (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.”

### *Sexual offences*

#### **54 Forfeiture and detention of vehicles etc.**

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.

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### Commencement Information

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

## 55 Continuity of sexual offences law

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

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- 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.
- (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

**I2** [S. 55](#) in force at 12.2.2007 by [S.I. 2007/74](#), [art. 2\(c\)](#)

## 56 Cross-border provisions relating to sexual offences

- (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).
- (2) In section 128 of the Sexual Offences Act 2003 (offence of contravening a risk of sexual harm order or an interim order), after subsection (1) insert—
- “(1A) In subsection (1) and, accordingly, in section 129(5) the references to a risk of sexual harm order and to an interim risk of sexual harm order include references, respectively—
- (a) to an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (RSHOs in Scotland); and
  - (b) to an order under section 5 of that Act (interim RSHOs in Scotland);

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and, for the purposes of this section, prohibitions imposed by an order made in one part of the United Kingdom apply (unless expressly confined to particular localities) throughout that and every other part of the United Kingdom.”

- (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.

## 57 Amendment of s. 82 of the Sexual Offences Act 2003

- (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

I3 S. 57 in force at 12.2.2007 by S.I. 2007/74, art. 2(d)

PROSPECTIVE

## 58 Power of entry and search of relevant offender's home address

- (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

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- (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
  - (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—

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“(7A) References to a justice of the peace are to be read as references to a lay magistrate.”

*Other*

VALID FROM 06/04/2008

**59 Limitation period for anti-social behaviour orders**

- (1) In section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders), after subsection (5) insert—

“(5A) Nothing in this section affects the operation of section 127 of the Magistrates' Courts Act 1980 (limitation of time in respect of informations laid or complaints made in magistrates' court).”

- (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).”

**60 Parenting orders**

- (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

**<sup>F1</sup>61 Committal of young persons of unruly character**

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### Textual Amendments

- F1** 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))

PROSPECTIVE

### 62 Offering or agreeing to re-programme a mobile telephone

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.”

### 63 Removal of sports grounds etc. from private security industry regulation

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—

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- (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;
- “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.”

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