



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 3

#### ALCOHOL MISUSE

#### 28 Selling alcohol to children

In section 147A(1)(a) of the Licensing Act 2003 (c. 17) (offence of selling alcohol to children on different occasions) for “3 or more different occasions” substitute “ 2 or more different occasions ”.

#### Commencement Information

II S. 28 in force at 29.1.2010 by S.I. 2010/125, art. 2(e)

#### 29 Confiscating alcohol from young persons

- (1) Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of alcohol from young persons in a public place etc) is amended as follows.
- (2) In subsection (1) omit “and to state his name and address”.
- (3) After subsection (1) insert—

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

(1AB) A constable who imposes a requirement on a person under subsection (1) may, if the constable reasonably suspects that the person is under the age of 16, remove the person to the person's place of residence or a place of safety.”
- (4) Subsection (1A) is omitted.
- (5) In subsection (3) after “subsection (1)” insert “ or (1AA) ”.

*Status: Point in time view as at 20/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 3. (See end of Document for details)*

(6) In subsection (4) after “that subsection” insert “ or (1AA) ”.

(7) In subsection (6) omit “and (1A)”.

#### Commencement Information

**I2** S. 29 in force at 29.1.2010 by S.I. 2010/125, art. 2(f)

### 30 Offence of persistently possessing alcohol in a public place

- (1) A person under the age of 18 is guilty of an offence if, without reasonable excuse, the person is in possession of alcohol in any relevant place on 3 or more occasions within a period of 12 consecutive months.
- (2) “Relevant place”, in relation to a person, means—
  - (a) any public place, other than excluded premises, or
  - (b) any place, other than a public place, to which the person has unlawfully gained access.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) For the purposes of subsection (2) a place is a public place if at the material time the public or any section of the public has access to it, on payment or otherwise, as of right or by virtue of express or implied permission.
- (5) In subsection (2) “excluded premises”—
  - (a) in relation to England and Wales, means—
    - (i) premises which may by virtue of Part 3 or 5 of the Licensing Act 2003 (c. 17) (premises licence or permitted temporary activity) be used for the supply of alcohol,
    - (ii) premises which may by virtue of Part 4 of that Act (club premises certificate) be used for the supply of alcohol to members or guests,
  - (b) in relation to Northern Ireland, means—
    - (i) licensed premises within the meaning of the 1996 Licensing Order,
    - (ii) premises of a club registered under the Registration of Clubs (Northern Ireland) Order 1996 (S.I. 1996/3159 (N.I. 23)),
    - (iii) premises for which an occasional licence (within the meaning of the 1996 Licensing Order) has been granted.
- (6) In this section “alcohol”—
  - (a) in relation to England and Wales, has the same meaning as in the Licensing Act 2003,
  - (b) in relation to Northern Ireland, has the same meaning as “intoxicating liquor” in the 1996 Licensing Order.
- (7) References in this section to the 1996 Licensing Order are to the Licensing (Northern Ireland) Order 1996 (S. I. 1996/3158 (N. I. 22)).

*Status: Point in time view as at 20/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 3. (See end of Document for details)*

**Commencement Information**

**I3** S. 30 in force at 29.1.2010 by S.I. 2010/125, art. 2(g)

**<sup>F1</sup>31 Directions to individuals who represent a risk of disorder**

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**Textual Amendments**

**F1** S. 31 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)(viii)(ii) (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

**32 Mandatory licensing conditions relating to alcohol**

Schedule 4 (which makes provision about mandatory licensing conditions relating to alcohol) has effect.

**Commencement Information**

**I4** S. 32 in force at 29.1.2010 by S.I. 2010/125, art. 2(i)

**33 Individual members of licensing authorities to be interested parties**

<sup>F2</sup>(1) .....

<sup>F3</sup>(2) .....

**Textual Amendments**

**F2** S. 33(1) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 105(10), 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)

**F3** S. 33(2) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 107(8), 157(1) (with s. 107(9)); S.I. 2012/1129, art. 2(d)

**Commencement Information**

**I5** S. 33 in force at 29.1.2010 by S.I. 2010/125, art. 2(j)

**Status:**

Point in time view as at 20/10/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 3.