

**2009 No. 83**

**CRIMINAL LAW, ENGLAND AND WALES**

**POLICE, ENGLAND AND WALES**

**The Penalties for Disorderly Behaviour (Amount of Penalty)  
(Amendment) Order 2009**

<i>Made</i> - - - -	<i>22nd January 2009</i>
<i>Laid before Parliament</i>	<i>23rd January 2009</i>
<i>Coming into force</i> - -	<i>24th January 2009</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 3(1) and (1A) of the Criminal Justice and Police Act 2001(a):

**Citation and commencement**

1. This Order may be cited as The Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2009 and shall come into force on 24 January 2009.

**Amount of penalty**

2. For the Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002(b), substitute the Schedule to this Order.

**Revocations**

3. The following Orders are revoked—

- (a) the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2005(c);
- (b) the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2008(d).

Signed by authority of the Secretary of State

22nd January 2009

*Maria Eagle*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(a) 2001 c.16. Section 3(1A) was inserted by section 87 of the Anti-social Behaviour Act 2003 (c.38).  
(b) S.I. 2002/1837. That Schedule was substituted by S.I. 2004/2468 and further amended by S.I.2004/3371 and S.I. 2005/3048.  
(c) S.I. 2005/581  
(d) S.I. 2008/3297, revoked before coming into force.

# SCHEDULE

Article 2

## PART 1

Offences attracting penalty of £80 for persons aged 16 or over, and £40 for persons under 16

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 80 of the Explosives Act 1875 <b>(a)</b>	Throwing fireworks in a thoroughfare
Section 5(2) of the Criminal Law Act 1967 <b>(b)</b>	Wasting police time or giving false report
Section 91 of the Criminal Justice Act 1967 <b>(c)</b>	Disorderly behaviour while drunk in a public place
Section 1 of the Theft Act 1968 <b>(d)</b>	Theft
Section 1(1) of the Criminal Damage Act 1971 <b>(e)</b>	Destroying or damaging property
Section 5(2) of the Misuse of Drugs Act 1971 <b>(f)</b> so far as relating to the following- (a) cannabinol, (b) cannabinol derivatives (within the meaning of Part 4 of Schedule 2 to that Act), (c) cannabis or cannabis resin (within the meaning of that Act), (d) any stereoisomeric form of a substance specified in any of paragraphs (a) to (c), (e) any ester or ether of a substance specified in paragraph (a) or (b), (f) any salt of a substance specified in paragraphs (a) to (e), (g) any preparation or other product containing a substance or product specified in any of paragraphs (a) to (f), not being a preparation falling within paragraph 6 of Part 1 of Schedule 2 to that Act.	Possession of cannabis etc
Section 5 of the Public Order Act 1986 <b>(g)</b>	Behaviour likely to cause harassment, alarm or distress
Section 141 of the Licensing Act 2003	Sale of alcohol to a person who is drunk
Section 146(1) and (3) of the Licensing Act 2003	Sale of alcohol to persons under 18
Section 149(3) and (4) of the Licensing Act 2003	Purchase of alcohol on behalf of persons under 18
Section 151 of the Licensing Act 2003	Delivery of alcohol to persons under 18 or allowing such delivery
Section 127(2) of the Communications Act 2003 <b>(h)</b>	Using a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety

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- (a) Prospectively repealed by the Fireworks Act 2003 (c.22) from a date to be appointed.  
 (b) 1967 c.58  
 (c) 1967 c.80  
 (d) 1968 c.60  
 (e) 1971 c.48  
 (f) 1971 c.38  
 (g) 1986 c.64  
 (h) 2003 c.21

Section 11 of the Fireworks Act 2003(a)	Contravention of a prohibition or failure to comply with a requirement imposed by or under fireworks regulations or making false statements
Section 49 of the Fire and Rescue Services Act 2004(b)	Knowingly giving a false alarm to a person acting on behalf of a fire and rescue authority

## PART 2

Offences attracting penalty of £50 for persons aged 16 and over, or £30 for persons under 16

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 12 of the Licensing Act 1872(c)	Being drunk in a highway, other public place or licensed premises
Section 55 of the British Transport Commission Act 1949(d)	Trespassing on a railway
Section 56 of the British Transport Commission Act 1949	Throwing stones etc. at trains or other things on railways
Section 87 of the Environmental Protection Act 1990(e)	Depositing and leaving litter
Section 12 of the Criminal Justice and Police Act 2001(f)	Consumption of alcohol in designated public place
Section 149(1) of the Licensing Act 2003(g)	Purchase of alcohol by persons under 18 on relevant premises
Section 150 of the Licensing Act 2003	Consumption of alcohol by a person under 18 on relevant premises or allowing such consumption

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- (a) 2003 c.22
  - (b) 2004 c.21
  - (c) 1872 c.94
  - (d) 1949 c.xxix
  - (e) 1990 c.43
  - (f) 2001 c.16
  - (g) 2003 c.17

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order specifies the amounts that may be levied under sections 2 and 3 of the Criminal Justice and Police Act 2001 in respect of penalty offences to which Chapter 1 of Part 1 of that Act applies. There are two levels of penalty and different amounts are specified for persons under 16. The substituted Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002 (S.I. 2002/1837) sets out afresh the same penalties for existing penalty offences and inserts a penalty of £80 for the penalty offence of possession of cannabis etc. It also revokes the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2008 (S.I. 2008/3297) which was made in anticipation of the addition of further penalty offences which have not yet been added.

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