2011 CHAPTER 24

PART 4

SPORT

CHAPTER 3

ALCOHOL ON VEHICLES TRAVELLING TO REGULATED MATCHES

Offences in connection with alcohol on vehicles

40.—(1) This section applies to a motor vehicle which—

(a) is adapted to carry 9 or more passengers, and

(b) is being used for the principal purpose of carrying passengers for reward for the whole or part of a journey to a regulated match.

(2) A person ("P") who knowingly causes or permits intoxicating liquor to be carried on a vehicle to which this section applies is guilty of an offence—

(a) if P is the operator of the vehicle or the servant or agent of the operator, or

(b) if the vehicle is a hired vehicle and P is the person to whom it is hired or the servant or agent of that person.

(3) The operator of a vehicle is—

(a) the driver, if the driver owns the vehicle; and

(b) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).

(4) A person who is in possession of intoxicating liquor while on a vehicle to which this section applies is guilty of an offence.

(5) A person guilty of an offence under this section is liable on summary conviction—

(a) in the case of an offence under subsection (2), to a fine not exceeding level 4 on the standard scale,

(b) in the case of an offence under subsection (4), to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(6) A constable may stop a motor vehicle to which this section applies and may search such a vehicle if the constable has reasonable grounds to suspect that an offence under this section is being or has been committed in respect of the vehicle.

(7) In this section—

"intoxicating liquor" has the meaning given by Article 2(2) of the Licensing (Northern Ireland) Order 1996 (NI 22);

"motor vehicle" has the meaning given by Article 3 of the Road Traffic (Northern Ireland) Order 1995 (NI 18).

(8) The Department may by order amend subsection (1).

(9) An order under subsection (8)—

(a) may make such consequential amendments to this section as appear to the Department to be necessary or expedient;

(b) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

Changes to legislation:
There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 40.