

*Draft Order laid before Parliament under section 1 of the Criminal Justice and Police Act 2001, for approval by resolution of each House of Parliament.*

---

DRAFT STATUTORY INSTRUMENTS

---

**2009 No.**

**CRIMINAL LAW, ENGLAND AND WALES  
POLICE, ENGLAND AND WALES**

The Criminal Justice and Police  
Act 2001 (Amendment) Order 2009

Made - - - - - \*\*\*

*Coming into force in accordance with article 1(2)*

The Secretary of State makes this Order in exercise of the powers conferred by section 1(2) of the Criminal Justice and Police Act 2001(1).

A draft of this Order has been laid before and approved by a resolution of each House of Parliament.

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Criminal Justice and Police Act 2001 (Amendment) Order 2009.

(2) This Order shall come into force on the day after the day on which it is made.

**Amendment of section 1(1) of the Criminal Justice and Police Act 2001**

2.—(1) The Table in section 1(1) of the Criminal Justice and Police Act 2001(2) is amended as follows.

(2) Before the entry relating to section 55 of the British Transport Commission Act 1949(3) insert—

“Section 2(1) of the Parks Regulation Contravening a prohibition on littering, dog (Amendment) Act 1926(4) so far as relating to a fouling or illegal cycling etc. failure to comply with or a contravention of the

---

(1) 2001 c.16

(2) The Table in section 1(1) was amended by S.I. 2002/1934, S.I. 2004/2540, S.I. 2005/1090 and S.I. 2005/3048. It was also amended by the Licensing Act 2003 (c.17), Schedule 6, paragraphs 119 and 120 and by the Fire and Rescue Services Act 2004 (c.21), Schedule 1, paragraph 97.

(3) 1949 c.xxix

(4) 1926 c.36

Royal Parks and Other Open Spaces Regulations  
1997(5)

Section 7(1) of the Children and Young Persons Sale of tobacco etc to persons under 18 years”  
Act 1933(6)

(3) After the entry relating to section 1(1) of the Criminal Damage Act 1971(7) insert—

“Section 2 of the Criminal Damage Act 1971      Threatening to destroy or damage property

Section 5(2) of the Misuse of Drugs Act      Possession of cannabis etc  
1971(8) 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.

Section 3 of the Theft Act 1978(9)      Making off without payment”

(4) After the entry relating to section 87 of the Environmental Protection Act 1990(10) insert—

“Section 4 of the Children and Young Persons Failing to display in retail premises and on  
(Protection from Tobacco) Act 1991(11)      vending machines a notice warning that it is

(5) S.I. 1997/1639  
(6) 1933 c.12  
(4) 1926 c.36  
(5) S.I. 1997/1639  
(6) 1933 c.12  
(7) 1971 c. 48  
(8) 1971 c.38  
(9) 1978 c.31  
(8) 1971 c.38  
(9) 1978 c.31  
(10) 1990 c.43  
(11) 1991 c.23

	illegal to sell tobacco products to anyone under the age of 18 years
Section 167 of the Criminal Justice and Public Order Act 1994(12)	Touting for hire car services
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000(13) made under section 67 of the Transport Act 1962(14) and confirmed by the Secretary of State for Environment, Transport and the Regions on 19 December 2000 (“the London Regional Transport Railways Byelaws 2000”) so far as relating to a breach of byelaw 3 of those byelaws	Smoking on or near any part of a railway in contravention of a notice indicating that smoking is not allowed
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 4(1) of those byelaws	Entering or remaining on the railway while intoxicated
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 4(2) of those byelaws	Having intoxicating liquor on a train service where reasonable notice has been given prohibiting the possession of intoxicating liquor
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 6 of those byelaws	Engaging in unacceptable behaviour on the railway
Section 3 of the Private Security Industry Act 2001(15)	Engaging in licensable conduct without or not in accordance with a licence
Section 9 of the Private Security Industry Act 2001	Contravening the conditions of a licence”

---

(5) After the entry relating to section 11 of the Fireworks Act 2003(16) insert—

“Section 140 of the Licensing Act 2003(17)	Allowing disorderly conduct on licensed premises”
--	---

---

(6) After the entry relating to section 141 of the Licensing Act 2003 insert—

“Section 142 of the Licensing Act 2003	Obtaining alcohol for consumption on relevant premises for a person who is drunk
--	--

---

(12) 1994 c.33

(13) These Byelaws were saved by virtue of paragraph 5 of Schedule 28 to the Transport Act 2000 (c.38) and section 46(4) of the Railways Act 2005 (c.14).

(14) 1962 c.46

(15) 2001 c.12

(11) 1991 c.23

(12) 1994 c.33

(13) These Byelaws were saved by virtue of paragraph 5 of Schedule 28 to the Transport Act 2000 (c.38) and section 46(4) of the Railways Act 2005 (c.14).

(14) 1962 c.46

(15) 2001 c.12

(16) 2003 c.22

(17) 2003 c.17

(17) 2003 c.17

Section 143 of the Licensing Act 2003	Failure of person who is drunk or disorderly to leave licensed premises on request
Section 145 of the Licensing Act 2003	Allowing unaccompanied children under 16 on certain premises”

---

(7) After the entry relating to section 49 of the Fire and Rescue Services Act 2004<sup>(18)</sup> insert—

“Byelaw 24(1) of the Framework Railway Smoking on or near any part of a railway in Byelaws made under section 219 of the Transport Act 2000<sup>(19)</sup> and confirmed by the Secretary of State for Environment, Transport and the Regions on 22 June 2005 (“the Railway Byelaws 2005”)<sup>(20)</sup> so far as relating to a breach of byelaw 3 of those byelaws is not allowed

Byelaw 24(1) of the Railways Byelaws 2005 so far as relating to a breach of byelaw 4(1) of those byelaws Entering or remaining on the railway while intoxicated

Byelaw 24(1) of the Railway Byelaws 2005 so far as relating to a breach of byelaw 4(2) of those byelaws Having intoxicating liquor on a train service where reasonable notice has been given prohibiting the possession of intoxicating liquor

Byelaw 24(1) of the Railway Byelaws 2005 so far as relating to a breach of byelaw 6 of those byelaws Engaging in unacceptable behaviour on the railway”

---

Signed by authority of the Secretary of State

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Ministry of Justice

---

<sup>(18)</sup> 2004 c.21

<sup>(19)</sup> 2000 c.38

<sup>(20)</sup> These Byelaws were saved by section 46(4) of the Transport Act 2000 (c.38).

<sup>(19)</sup> 2000 c.38

<sup>(20)</sup> These Byelaws were saved by section 46(4) of the Transport Act 2000 (c.38).

---

## EXPLANATORY NOTE

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

This Order amends the Table in section 1(1) of the Criminal Justice and Police Act 2001 (c.16).

The amendments to the Table of penalty notice offences insert the following further offences in respect of which a penalty notice may be given and a penalty made payable—

- certain offences under Royal Parks Regulations,
  - offences relating to the sale of tobacco to persons under 18 years
  - threats to destroy or damage property,
  - possession of cannabis etc,
  - making off without payment,
  - touting for hire car services,
  - certain railway byelaw offences,
  - certain licence related offences relating to the private security industry,
  - certain alcohol related offences under the Licensing Act 2003 (c.17).