



Licensed Premises (Exclusion of Certain Persons) Act 1980

1980 CHAPTER 32

E+W+S

[^{F1}An Act to empower the courts to make orders excluding certain categories of convicted persons from licensed premises.] [30th June 1980]

Textual Amendments

F1 Act repealed (S.) (1.2.2008) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); [S.S.I. 2007/472](#), art. 2, sch.

Modifications etc. (not altering text)

C1 By [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 23](#); [S.I. 1991/2208](#), art. 2(1), [Sch. 1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)) references in any enactment amended by that 1991 act, to youth courts shall be construed as references to juvenile courts.

Commencement Information

I1 Act wholly in force at Royal Assent

1 Exclusion orders. E+W+S

(1) Where a court by or before which a person is convicted of an offence committed on licensed premises is satisfied that in committing that offence he resorted to violence or offered or threatened to resort to violence, the court may, subject to subsection (2) below, make an order (in this Act referred to as an “exclusion order”) prohibiting him from entering those premises or any other specified premises, without the express consent of the licensee of the premises or his servant or agent.

(2) An exclusion order may be made either—

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- (a) in addition to any sentence which is imposed in respect of the offence of which the person is convicted; or
- ^{F2}[(b) where the offence was committed in England and Wales, notwithstanding the provisions of [^{F3}sections 79, 80 and 82 of the Sentencing Code]] (cases in which absolute and conditional discharges may be made, and their effect), in addition to an order discharging him absolutely or conditionally;
- (c) where the offence was committed in Scotland, notwithstanding the provisions of [^{F4}sections 228, 246(2) and (3) and 247 of the Criminal Procedure (Scotland) Act 1995] (cases in which probation orders and absolute discharges may be made, and their effect), in addition to a probation order or an order discharging him absolutely;
- but not otherwise.
- (3) An exclusion order shall have effect for such period, not less than three months or more than two years, as is specified in the order, unless it is terminated under section 2(2) below.

Textual Amendments

- F2** S. 1(2)(b) substituted (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 23](#); [S.I. 1992/333, art.2\(2\)](#), [Sch. 2](#).
- F3** Words in s. 1(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 42](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F4** Words in s. 1(2)(c) substituted (1.4.1996) by [1995 c. 40](#), ss. 5, 7(2), [Sch. 4 para. 29](#)

2 Penalty for non-compliance with exclusion order. **E+W+S**

- (1) A person who enters any premises in breach of an exclusion order shall be guilty of an offence and shall be liable on summary conviction or, in Scotland, on conviction in a court of summary jurisdiction to a fine not exceeding [^{F5}level 4 on the standard scale] or to imprisonment for a term not exceeding one month or both.
- (2) The court by which a person is convicted of an offence under subsection (1) above shall consider whether or not the exclusion order should continue in force, and may, if it thinks fit, by order terminate the exclusion order or vary it by deleting the name of any specified premises, but an exclusion order shall not otherwise be affected by a person's conviction for such an offence.

Textual Amendments

- F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

3 Power to expel person from licensed premises. **E+W+S**

Without prejudice to any other right to expel a person from premises, the licensee of licensed premises or his servant or agent may expel from those premises any person who has entered or whom he reasonably suspects of having entered the premises in breach of an exclusion order; and a constable shall on the demand of the licensee or his servant or agent help to expel from licensed premises any person whom the constable reasonably suspects of having entered in breach of an exclusion order.

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4 Supplemental. **E+W+S**

(1) In this Act—

“licensed premises”, in relation to England and Wales, means premises in respect of which there is in force [^{F6}a premises licence under the Licensing Act 2003 authorising the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises] and, in relation to Scotland, means premises in respect of which a licence under the ^{M1}Licensing (Scotland) Act 1976, other than an off-sales licence or a licence under Part III of that Act (licences for seamen’s canteens), is in force; and

“licensee” in relation to any licensed premises means the holder of the licence granted in respect of those premises; and

“specified premises”, in relation to an exclusion order, means any licensed premises which the court may specify by name and address in the order.

(2) In the application of section 1 above to Scotland, the reference in subsection (1) of that section to a person’s being convicted of an offence shall, in relation to proceedings in a court of summary jurisdiction in which the court, without proceeding to conviction, discharges him absolutely under section 383 of the ^{M2}Criminal Procedure (Scotland) Act 1975 or makes a probation order under section 384 of that Act, shall be construed as a reference to the court’s being satisfied that he committed the offence.

(3) Where a court makes an exclusion order or an order terminating or varying an exclusion order, the [^{F7}proper officer of the court], shall send a copy of the order to the licensee of the premises to which the order relates.

[^{F8}(4) For the purposes of subsection (3) above—

- (a) the proper officer of a magistrates’ court in England and Wales is the [^{F9}designated officer] for the court;
- (b) the proper officer of the Crown Court is the appropriate officer; and
- (c) the proper officer of a court in Scotland is the clerk of the court.]

Textual Amendments

- F6** Words in s. 4(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 74](#) (with ss. 2(3), 15(2), 195); [S.I. 2005/3056, art. 2\(2\)](#)
- F7** Words in s. 4(3) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 94\(2\)](#) (with s. 107, Sch. 14 para. 7(2)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#) (with transitional provisions in art. 4, Schs. 1, 2)
- F8** S. 4(4) inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 94\(3\)](#) (with s. 107, Sch. 14 para. 7(2)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#) (with transitional provisions in art. 4, Schs. 1, 2)
- F9** Words in s. 4(4)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8; S.I. 2005/910, art. 3\(y\)](#)

Marginal Citations

- M1** 1976 c. 66.
- M2** 1975 c. 21.

5 Short title, citation and extent. **E+W+S**

(1) This Act shall be cited as the Licensed Premises (Exclusion of Certain Persons) Act 1980 and this Act, in its application to Scotland, and the Licensing (Scotland) Act 1976 may be cited together as the Licensing (Scotland) Acts 1976 to 1980.

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(2) This Act shall not extend to Northern Ireland.

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Changes and effects yet to be applied to :

- s. 2(1) words substituted by [2003 c. 44 Sch. 26 para. 27](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [2006 c. 38 Sch. 5](#)