



Licensed Premises (Exclusion of Certain Persons) Act 1980

1980 CHAPTER 32

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

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Exclusion orders.

- (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—
 - (a) in addition to any sentence which is imposed in respect of the offence of which the person is convicted; or
 - (b) where the offence was committed in England or Wales, notwithstanding the provisions of sections 2, 7 and 13 of the Powers of Criminal Courts Act 1973 (cases in which probation orders and absolute and conditional discharges may be made, and their effect), in addition to a probation order or an order discharging him absolutely or conditionally; or
 - (c) where the offence was committed in Scotland, notwithstanding the provisions of sections 182, 183, 191, 383, 384 and 392 of the Criminal Procedure (Scotland) Act 1975 (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.

2 Penalty for noncompliance with exclusion order.

- (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 £200 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.

3 Power to expel person from licensed premises.

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.

4 Supplemental.

- (1) In this Act—

" licensed premises ", in relation to England and Wales, means premises in respect of which there is in force a justices' on-licence (within the meaning of section 1 of the Licensing Act 1964) and, in relation to Scotland, means premises in respect of which a licence under the 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 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 clerk of the court, or the appropriate officer of the Crown Court, as the case may be, shall send a copy of the order to the licensee of the premises to which the order relates.

5 Short title, citation and extent.

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