



# Confiscation of Alcohol (Young Persons) Act 1997

## 1997 CHAPTER 33

An Act to permit the confiscation of intoxicating liquor held by or for use by young persons in public and certain other places; and for connected purposes. [21st March 1997]

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 Confiscation of intoxicating liquor.**

- (1) Where a constable reasonably suspects that a person in a relevant place is in possession of intoxicating liquor and that either—
  - (a) he is under the age of 18; or
  - (b) he intends that any of the liquor should be consumed by a person under the age of 18 in that or any other relevant place; or
  - (c) a person under the age of 18 who is, or has recently been, with him has recently consumed intoxicating liquor in that or any other relevant place,the constable may require him to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor [<sup>F1</sup>or a container for such liquor (other than a sealed container)] and to state his name and address.
- (2) A constable may dispose of anything surrendered to him under subsection (1) in such manner as he considers appropriate.
- (3) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Confiscation of Alcohol (Young Persons) Act 1997. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- (4) A constable who imposes a requirement on a person under subsection (1) shall inform him of his suspicion and that failing without reasonable excuse to comply with a requirement imposed under that subsection is an offence.
- (5) A constable may arrest without warrant a person who fails to comply with a requirement imposed on him under subsection (1).
- (6) In subsection (1) “relevant place”, in relation to a person, means—
- (a) any public place, other than licensed premises; or
  - (b) any place, other than a public place, to which the person has unlawfully gained access;
- and for this purpose a place is a public place if at the material time the public or any section of the public has access to it, on payment or otherwise, as of right or by virtue of express or implied permission.
- (7) In this section “intoxicating liquor” and “licensed premises”, in relation to England and Wales, have the same meanings as in the <sup>M1</sup>Licensing Act 1964 and, in relation to Northern Ireland, have the same meanings as in the <sup>M2</sup>Licensing (Northern Ireland) Order 1996.

#### Annotations:

##### Amendments (Textual)

**F1** Words in s. 1(1) inserted (1.9.2001) by 2001 c. 16, s. 29; S.I. 2001/2223, art. 4(b)

##### Modifications etc. (not altering text)

**C1** S.1 extended (with modifications) (2.12.2002.) by Police Reform Act 2002 (c.30), s. 41, {Sch. 5 para. 5}; S.I. 2002/2750, art. 2(a)(iii)

**C2** S. 1 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, Sch. 4 Pt. I para. 6; S.I. 2002/2750, art. {2(a)(ii)}

##### Marginal Citations

**M1** 1964 c. 26.

**M2** S.I. 1996/3158 (N.I. 22).

## 2 Short title, commencement and extent.

- (1) This Act may be cited as the Confiscation of Alcohol (Young Persons) Act 1997.
- (2) Section 1 shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales and Northern Ireland.

#### Annotations:

##### Subordinate Legislation Made

**P1** S. 2(2) power fully exercised (18.7.1997): 1.8.1997 appointed day by S.I. 1997/1725, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1 extended by 2003 c. 6 Sch. 2A para. 6 (as inserted) by S.I. 2007/912 (N.I.) Sch. 5
- s. 1(1) text amended by 2009 c. 26 s. 29(2) Sch. 8 Pt. 3
- s. 1(1) words repealed by 2003 c. 17 s. 155(1)(a) Sch. 7
- s. 1(1) words substituted by 2003 c. 17 Sch. 6 para. 115(2)(a)
- s. 1(1) words substituted by 2003 c. 17 Sch. 6 para. 115(2)(c)
- s. 1(1)(b) words substituted by 2003 c. 17 Sch. 6 para. 115(2)(b)
- s. 1(1A) inserted by 2003 c. 17 s. 155(1)(b)
- s. 1(1A) repealed by 2009 c. 26 s. 29(4) Sch. 8 Pt. 3
- s. 1(1AA)(1AB) inserted by 2009 c. 26 s. 29(3)
- s. 1(3) text amended by 2009 c. 26 s. 29(5)
- s. 1(4) text amended by 2009 c. 26 s. 29(6)
- s. 1(5) repealed by 2005 c. 15 Sch. 7 para. 33 Sch. 17
- s. 1(6) text amended by 2009 c. 26 s. 29(7) Sch. 8 Pt. 3
- s. 1(6) words inserted by 2003 c. 17 s. 155(1)(c)
- s. 1(7) substituted by 2003 c. 17 Sch. 6 para. 115(3)

**Commencement Orders yet to be applied to the Confiscation of Alcohol (Young Persons) Act 1997:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/2100 art. 2 commences (2003 c. 17)
- S.I. 2005/3056 art. 2 3 commences (2003 c. 17)
- S.I. 2005/3495 art. 2 commences (2005 c. 15)
- S.I. 2010/125 art. 2-4 commences (2009 c. 26)