Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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Violent Crime Reduction Act 2006

2006 CHAPTER 38

An Act to make provision for reducing and dealing with the abuse of alcohol; to make provision about real and imitation firearms, about ammunition and about knives and other weapons; to amend the Football Spectators Act 1989 and the Football (Disorder) Act 2000; to amend the Sexual Offences Act 2003 and section 8 of the Crime and Disorder Act 1998; to amend section 23 of the Children and Young Persons Act 1969; to amend the Mobile Telephones (Re-programming) Act 2002; and for connected purposes. [8th November 2006]

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:—

PART 1

ALCOHOL-RELATED VIOLENCE AND DISORDER

CHAPTER 1

DRINKING BANNING ORDERS

Introductory

1 Drinking banning orders

(1) A drinking banning order is an order that prohibits the individual against whom it is made ("the subject") from doing the things described in the order.

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(2) Such an order may impose any prohibition on the subject which is necessary for the purpose of protecting other persons from criminal or disorderly conduct by the subject while he is under the influence of alcohol.

(3) The prohibitions imposed by such an order must include such prohibition as the court making it considers necessary, for that purpose, on the subject's entering—
  (a) premises in respect of which there is a premises licence authorising the use of the premises for the sale of alcohol by retail; and
  (b) premises in respect of which there is a club premises certificate authorising the use of the premises for the supply of alcohol to members or guests.

(4) A drinking banning order may not impose a prohibition on the subject that prevents him—
  (a) from having access to a place where he resides;
  (b) from attending at any place which he is required to attend for the purposes of any employment of his or of any contract of services to which he is a party;
  (c) from attending at any place which he is expected to attend during the period for which the order has effect for the purposes of education or training or for the purpose of receiving medical treatment; or
  (d) from attending at any place which he is required to attend by any obligation imposed on him by or under an enactment or by the order of a court or tribunal.

(5) Expressions used in subsection (3) and in the Licensing Act 2003 (c. 17) or in a Part of that Act have the same meanings in that subsection as in that Act or Part.

Commencement Information
I1 S. 1 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(a)**

2 Duration of drinking banning orders

(1) A drinking banning order has effect for a period specified in the order ("the specified period"), which must be not less than two months and not more than two years.

(2) A drinking banning order may provide that different prohibitions contained in the order have effect for different periods; but, in each case, the period ("the prohibition period") must be not less than two months and not more than two years.

(3) A drinking banning order may include provision for—
  (a) the order, or
  (b) a prohibition contained in it,

  to cease to have effect before the end of the specified period or the prohibition period if the subject satisfactorily completes the approved course specified in the order.

(4) Provision under subsection (3) must fix the time at which the order or the prohibition will cease to have effect if the subject satisfactorily completes the specified approved course as whichever is the later of—
  (a) the time specified in the order in accordance with subsection (5); and
  (b) the time when he does satisfactorily complete that course.

(5) The time specified for the purposes of subsection (4)(a) must be a time after the expiry of at least half the specified period or (as the case may be) the prohibition period.

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(6) Provision under subsection (3) may be included in a drinking banning order only if—
  (a) the court making the order is satisfied that a place on the specified approved course will be available for the subject; and
  (b) the subject has agreed to the inclusion of the provision in question in the order.

(7) Before making provision under subsection (3), the court must inform the subject in ordinary language (whether in writing or otherwise) about—
  (a) the effect of including the provision in the order;
  (b) what, in general terms, attendance on the course will involve if he undertakes it;
  (c) any fees he will be required to pay for the course if he undertakes it; and
  (d) when he will have to pay any such fees.

(8) Where a court makes a drinking banning order which does not include provision under subsection (3), it must give its reasons for not including such provision in open court.

(9) The Secretary of State may by regulations amend subsection (5) so as to modify the earliest time (after the completion of the specified approved course) when by virtue of that subsection—
  (a) a drinking banning order, or
  (b) a prohibition contained in such an order,

may cease to have effect.

Commencement Information
I2 S. 2 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(b)**

Orders made on application

3 Orders on an application to magistrates' court

(1) An application to a magistrates' court for the making of a drinking banning order against an individual may be made by a relevant authority if—
  (a) it appears to the authority that the conditions in subsection (2) are satisfied with respect to the individual; and
  (b) the individual is aged 16 or over.

(2) The conditions are—
  (a) that the individual has, after the commencement of this section, engaged in criminal or disorderly conduct while under the influence of alcohol; and
  (b) that such an order is necessary to protect other persons from further conduct by him of that kind while he is under the influence of alcohol.

(3) An application under this section to a magistrates' court has to be made by complaint.

(4) Before making an application under this section, a relevant authority must consult the appropriate persons.

(5) If, on an application under this section with respect to an individual, it is proved that the conditions in subsection (2) are satisfied in his case, the magistrates' court may make a drinking banning order against him.

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(6) Nothing in this section affects the operation of section 127 of the Magistrates' Courts Act 1980 (c. 43) (limitation of time in respect of informations laid or complaints made in magistrates' court).

Commencement Information

I3 S. 3 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(c)**

4 Orders in county court proceedings

(1) This section applies where proceedings have been brought in a county court.

(2) If a relevant authority—

(a) is a party to the proceedings, and

(b) considers that another party to the proceedings is an individual in relation to whom it would be reasonable for it to make an application under section 3,

it may make an application in the proceedings for a drinking banning order against the individual.

(3) If a relevant authority—

(a) is not a party to the proceedings, and

(b) considers that a party to the proceedings is an individual in relation to whom it would be reasonable for it to make an application under section 3,

it may make an application to be joined to those proceedings for the purposes of this section and (if it is joined) may apply for a drinking banning order against the individual.

(4) Subsection (5) applies if a relevant authority is a party to the proceedings and considers that—

(a) an individual who is not a party to the proceedings has engaged in criminal or disorderly conduct while under the influence of alcohol; and

(b) that conduct is material in relation to the proceedings.

(5) The relevant authority—

(a) may make an application for the individual to be joined for the purposes of this section; and

(b) if that individual is joined, may apply for a drinking banning order against him.

(6) A relevant authority must consult the appropriate persons—

(a) before making an application for a drinking banning order under subsection (2);

(b) before making an application to be joined to proceedings under subsection (3);

(c) before making an application to join an individual to proceedings under subsection (5).

(7) If, on an application under this section for a drinking banning order against an individual—

(a) it is proved that the conditions in section 3(2) are satisfied in relation to the individual, and

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(b) his criminal or disorderly conduct while under the influence of alcohol is material in relation to the proceedings,

the court may make a drinking banning order against him.

Commencement Information

I4 S. 4 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(d)**

5 Variation or discharge of orders under s. 3 or 4

(1) This section applies to a drinking banning order made under section 3 or 4.

(2) The following persons may apply to the court which made the order for it to be varied or discharged by a further order—

(a) the subject;

(b) the relevant authority on whose application the order was made.

(3) In the case of an order under section 3 made by a magistrates' court, the reference in subsection (2) to the court which made the order includes a reference to a relevant local court.

(4) An application under subsection (2) to a magistrates' court has to be made by complaint.

(5) The order may not be varied so as to extend the specified period to more than two years.

(6) The order may not be discharged unless—

(a) it is discharged from a time after the end of the period that is half the duration of the specified period; or

(b) the relevant authority on whose application the order was made has consented to its earlier discharge.

Commencement Information

I5 S. 5 in force at 31.8.2009 by S.I. 2009/1840, **art. 2(e)**

Orders made on conviction

6 Orders on conviction in criminal proceedings

(1) This section applies where—

(a) an individual aged 16 or over is convicted of an offence (the "offender"); and

(b) at the time he committed the offence, he was under the influence of alcohol.

(2) The court must consider whether the conditions in section 3(2) are satisfied in relation to the offender.

(3) If the court decides that the conditions are satisfied in relation to the offender, it may make a drinking banning order against him.

(4) If the court—

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(a) decides that the conditions are satisfied in relation to the offender, but
(b) does not make a drinking banning order,

it must give its reasons for not doing so in open court.

(5) If the court decides that the conditions are not satisfied in relation to the offender, it must state that fact in open court and give its reasons.

Commencement Information

I6 S. 6 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(a), 4, **Schs.**

7 Supplementary provision about orders on conviction

(1) For the purpose of deciding whether to make a drinking banning order under section 6 the court may consider evidence led by the prosecution and evidence led by the defence.

(2) It is immaterial whether the evidence would have been admissible in the proceedings in which the offender was convicted.

(3) A drinking banning order under section 6 must not be made except—
(a) in addition to a sentence imposed in respect of the offence; or
(b) in addition to an order discharging the offender conditionally.

(4) The court may adjourn any proceedings in relation to a drinking banning order under section 6 even after sentencing the offender.

(5) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.

(6) But the court may not issue a warrant for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.

(7) A drinking banning order under section 6 takes effect on—
(a) the day on which it is made; or
(b) if on that day the offender is detained in legal custody, the day on which he is released from that custody.

(8) Subsection (9) applies in relation to proceedings in which a drinking banning order is made under section 6 against a young person.

(9) In so far as the proceedings relate to the making of the order—
(a) section 49 of the Children and Young Persons Act 1933 (c. 12) (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the young person against whom the order is made; and
(b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.

(10) In section 3(2)(fa) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director), after the first occurrence of “conviction of certain offences)” insert “ , section 6 of the Violent Crime Reduction Act 2006 (orders on conviction in criminal proceedings) ”.

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(11) In this section and section 6 "the court" in relation to an offender means—
- (a) the court by or before which he is convicted of the offence; or
- (b) if he is committed to the Crown Court to be dealt with for the offence, the Crown Court.

Commencement Information

I7 S. 7 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(b), 4, **Schs.**

8 Variation or discharge of orders under s. 6

(1) The following persons may apply to the court which made a drinking banning order under section 6 for the order to be varied or discharged by a further order—
- (a) the subject;
- (b) the Director of Public Prosecutions; or
- (c) a relevant authority.

(2) If the subject makes an application under subsection (1), he must also send notice of his application to the Director of Public Prosecutions.

(3) If the Director of Public Prosecutions or a relevant authority makes an application under subsection (1), he or it must also send notice of the application to the subject.

(4) In the case of an order under section 6 made by a magistrates' court, the reference in subsection (1) to the court which made the order includes a reference to a relevant local court.

(5) An order under section 6 may not be varied so as to extend the specified period to more than two years.

(6) No order under section 6 is to be discharged on an application under subsection (1)(a) unless—
- (a) it is discharged from a time after the end of the period that is half the duration of the specified period; or
- (b) the Director of Public Prosecutions has consented to its earlier discharge.

(7) In section 3 of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), in subsection (2) after paragraph (fc) insert—
- "(fd) where it appears to him appropriate to do so, to have the conduct of applications under section 8(1)(b) of the Violent Crime Reduction Act 2006 for the variation or discharge of orders made under section 6 of that Act;
- (fe) where it appears to him appropriate to do so, to appear on any application under section 8(1)(a) of that Act by a person subject to an order under section 6 of that Act for the variation or discharge of the order."

Commencement Information

I8 S. 8 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 2(c), 4, **Schs.**

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Supplemental provisions about drinking banning orders

9 Interim orders

(1) This section applies in each of the following cases—

(a) where an application is made for a drinking banning order;

(b) where the court is required under section 6 to consider whether the conditions for making a drinking banning order are satisfied.

(2) Before—

(a) determining the application, or

(b) considering whether the conditions are satisfied,

the court may make an order under this section ("an interim order") if it considers that it is just to do so.

(3) Where this section applies by virtue of subsection (1)(a), an application for an interim order against an individual—

(a) may be made without notice being given to that individual; and

(b) may be heard in the absence of that individual.

(4) The following permission is required for the making or hearing of an application in accordance with subsection (3)—

(a) in the case of proceedings in the county court, the permission of the court; and

(b) in the case of an application to a magistrates' court, the permission of the proper officer.

(5) Permission may only be given under subsection (4) if the court or proper officer is satisfied—

(a) that it is necessary for the application to be made without notice being given to the individual in question; and

(b) that it is not necessary for the application to be heard in the presence of the individual.

(6) An interim order—

(a) may contain any provision that may be contained in a drinking banning order; but

(b) has effect, unless renewed, only for such fixed period of not more than four weeks as may be specified in the order.

(7) An interim order—

(a) may be renewed (on one or more occasions) for a period of not more than four weeks from the end of the period when it would otherwise cease to have effect;

(b) must cease to have effect (if it has not previously done so) on the determination of the application mentioned in subsection (1)(a) or on the court's making its decision whether to make a drinking banning order under section 6.

(8) Section 5 applies in relation to an interim order made in a case falling within subsection (1)(a) as it applies in relation to a drinking banning order made under section 3 or 4, but with the omission of section 5(5) and (6).

(9) Section 8 applies in relation to an interim order made in a case falling within subsection (1)(b) as it applies in relation to a drinking banning order made under section 6, but with the omission of section 8(5) and (6).

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Commencement Information

I9 S. 9 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(a)**

I10 S. 9 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(a), 4, **Schs.**

10 Appeals

(1) An appeal lies to the Crown Court against the making by a magistrates' court of a drinking banning order under section 3 or 6.

(2) On such an appeal the Crown Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal;

(b) may also make such incidental or consequential orders as appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall be treated for the purposes of sections 5 and 8 as an order of the magistrates' court from which the appeal was brought.

Commencement Information

I11 S. 10 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(b)**

I12 S. 10 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(b), 4, **Schs.**

11 Breach of drinking banning orders

(1) If the subject of a drinking banning order or of an interim order does, without reasonable excuse, anything that he is prohibited from doing by the order, he is guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(3) If a person is convicted of an offence under subsection (1), it is not open to the court by or before which he is convicted to make an order under subsection (1)(b) (conditional discharge) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(4) A local authority may bring proceedings for an offence under subsection (1).

(5) The Secretary of State may by order provide that a person of a description specified in the order may bring proceedings for an offence under subsection (1) in such cases and such circumstances as may be prescribed by the order.

(6) In proceedings for an offence under subsection (1), a copy of the original drinking banning order or interim order, certified as such by the proper officer of the court which made it, is admissible as evidence—

(a) of its having been made, and

(b) of its contents,

to the same extent that oral evidence of those things is admissible in those proceedings.

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(7) If proceedings for an offence under subsection (1) are brought in a youth court, section 47(2) of the Children and Young Persons Act 1933 (c. 12) has effect as if the persons entitled to be present for the purposes of those proceedings included one person authorised to be present by a relevant authority.

(8) In relation to proceedings brought against a young person for an offence under subsection (1)—

(a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the young person against whom the proceedings are brought; and

(b) section 45 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (power to restrict reporting on criminal proceedings involving persons under 18) does so apply.

(9) If, in relation to any such proceedings, the court does exercise its power to give a direction under section 45 of the Youth Justice and Criminal Evidence Act 1999, it must give its reasons for doing so.

(10) Subject to paragraph 2(2) of Schedule 2 to the Youth Justice and Criminal Evidence Act 1999, until section 45 of that Act comes into force, the references to it in this section are to be read as references to section 39 of the Children and Young Persons Act 1933 (power to prohibit publication of certain matters).

Commencement Information

I13 S. 11 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(c)**

I14 S. 11 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(c), 4, **Schs.**

12 Approved courses

(1) If an application is made to the Secretary of State for the approval of a course for the purposes of section 2, he must decide whether to grant or refuse the application.

(2) In reaching that decision the Secretary of State—

(a) must have regard to the nature of the course and to whether the person providing it is an appropriate person both to provide it and efficiently and effectively to administer its provision; and

(b) may take into account any recommendations made by persons appointed by the Secretary of State to consider the application.

(3) A course may be approved subject to conditions specified by the Secretary of State.

(4) The approval of a course—

(a) is for the period specified by the Secretary of State (which must not exceed 7 years); and

(b) may be withdrawn by him at any time.

(5) Regulations made by the Secretary of State may make provision in relation to the approval of courses and may, in particular, include—

(a) provision about the making of applications for approval;

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(b) provision for the payment of fees, of such amounts as are prescribed by the regulations, in respect of applications for approval, the giving of approvals, or both;

(c) provision specifying the maximum fees that a person may be required to pay for a course and about when fees for courses have to be paid;

(d) provision for the monitoring of courses and of persons providing courses;

(e) provision about the withdrawal of approvals; and

(f) provision authorising the Secretary of State (whether on payment of a fee or otherwise) to make available information about courses and about persons providing courses.

(6) The Secretary of State—

(a) may issue guidance about the conduct of approved courses; and

(b) in exercising the powers and duties conferred or imposed on him by or under subsections (1) to (5) must have regard to the guidance under this subsection that is for the time being in force.

(7) Also, a court must have regard to that guidance in determining what for the purposes of section 13 constitutes reasonable instructions or reasonable requirements by a person providing an approved course.

Commencement Information

I15 S. 12 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(d)**

I16 S. 12 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(d), 4, **Schs.**

13 Certificates of completion of approved courses

(1) For the purposes of section 2—

(a) the subject of a drinking banning order is to be regarded as having completed an approved course satisfactorily if, and only if, the person providing the course has given a certificate that the subject has done so; and

(b) the time at which the subject is to be regarded as having satisfactorily completed the course is the time when that certificate is received by the proper officer of the court that made the order.

(2) For the purposes of this section a certificate that a person has satisfactorily completed a course—

(a) has to be in such form, and

(b) has to contain such particulars,

as may be specified in, or determined under, regulations made by the Secretary of State.

(3) The person providing an approved course must give the subject of a drinking banning order in which that course is specified a certificate for the purposes of this section unless that subject—

(a) has failed to make due payment of fees for the course;

(b) has failed to attend the course in accordance with the reasonable instructions of the person providing the course; or

(c) has failed to comply with any other reasonable requirement of that person.

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(4) Where a person providing an approved course decides not to give the subject of a drinking banning order a certificate under subsection (1), he must give the subject written notice of the decision, setting out the grounds of the decision.

(5) The obligation of the person providing an approved course to give, in the case of the subject of a drinking banning order in which that course is specified, either—

(a) a certificate for the purposes of this section, or

(b) a notice under subsection (4),

must be discharged before the end of 14 days beginning with the day on which any request to do so is made by that subject.

(6) The subject of a drinking banning order who is given a notice under subsection (4) or who claims that a request for the purposes of subsection (5) has not been complied with may, within such period as may be prescribed by rules of court, apply to—

(a) the court which made the order, or

(b) if that court is not the Crown Court or a relevant local court, to either the court which made the order or a relevant local court,

for a declaration that there has been a contravention of subsection (3).

(7) If the court grants the application, the applicant is to be treated for the purposes of section 2 as having satisfactorily completed the course at the time of the making of the declaration.

(8) The Secretary of State may by regulations make provision as to—

(a) the form of a notice under subsection (4); and

(b) the manner in which such a notice is given and the time to be taken as the time of the giving of such a notice.

Commencement Information

I17 S. 13 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(e)**

I18 S. 13 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(e), 4, **Schs.**

14 Interpretation of Chapter 1

(1) In this Chapter—

"appropriate persons", in relation to an application for a drinking banning order or an application referred to in section 4(6)(b) or (c), means such of the following as is not a party to the application—

(a) the chief officer of police of the police force for the police area where the conduct to which the application relates occurred;

(b) the chief officer of police of the police force for the police area in which the individual to whose conduct the application relates normally resides;

(c) every local authority in whose area the place where that individual normally resides is situated; and

(d) the Chief Constable of the British Transport Police Force;

"approved course" means a course approved by the Secretary of State for the purposes of section 2;

"drinking banning order" means an order under section 3, 4 or 6;

"interim order" means an order under section 9;

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"local authority" means—

(a) a county council in England;

(b) a district council in England;

(c) a London borough council;

(d) the Common Council of the City of London;

(e) the Council of the Isles of Scilly;

(f) a county council or a county borough council in Wales;

"proper officer"—

(a) in relation to a magistrates' court, means the justices' clerk; and

(b) in relation to any other court, means the clerk of the court;

"relevant authority" means—

(a) the chief officer of police of a police force for a police area;

(b) the Chief Constable of the British Transport Police Force;

(c) a local authority;

"relevant local court", in relation to a drinking banning order, means a magistrates' court acting for the local justice area in which the subject normally resides;

"specified period", in relation to a drinking banning order, means the period specified in the order for the purposes of section 2(1) as the period for which the order is to have effect;

"subject", in relation to an order, means the individual against whom it is made;

"young person" has the same meaning as in the Children and Young Persons Act 1933 (c. 12) (see section 107(1) of that Act).

(2) References in this Chapter to protecting persons from criminal or disorderly conduct include references to protecting their property from unlawful loss or damage.

(3) The Secretary of State may by order provide that a person of a description specified in the order is to be regarded as a relevant authority for such purposes of the provisions of this Chapter as are specified in the order.

(4) A power of the Secretary of State to make an order or regulations under this Chapter shall be exercisable by statutory instrument.

(5) Every such power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(6) No regulations shall be made under section 2 unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(7) A statutory instrument containing—

(a) regulations under section 12 or 13, or

(b) an order under section 11 or this section,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) The power under subsection (5) to make incidental, supplemental and consequential provision includes power to modify so much of this section as defines "appropriate persons".

Commencement Information

I19 S. 14 in force at 31.8.2009 for specified purposes by S.I. 2009/1840, **art. 3(f)**

I20 S. 14 in force at 1.4.2010 for specified purposes by S.I. 2010/469, arts. 3(f), 4, **Schs.**

CHAPTER 2

ALCOHOL DISORDER ZONES

15 Power to impose charges on licence holders etc. in zones

(1) The Secretary of State may, by regulations, make provision for the imposition by a local authority of charges to be paid to the authority for each month by—

(a) persons who for the whole or a part of that month held premises licences authorising the use of premises in alcohol disorder zones in the authority's area for the sale of alcohol by retail; and

(b) clubs which for the whole or a part of that month were authorised by virtue of club premises certificates to use premises in such zones for the supply of alcohol to members or guests.

(2) The Secretary of State may by regulations make provision requiring a local authority that impose charges by reference to an alcohol disorder zone to use sums received by them in respect of those charges for the purposes specified in or determined under the regulations.

(3) The rates of charges fixed under this section must be such as the Secretary of State considers appropriate for securing that the funds that he considers appropriate are available (after the costs of the scheme have been met from the charges) to be used for any purposes specified or determined under subsection (2).

(4) Regulations under this section fixing the rates of charges may fix different rates for different descriptions of local authority, different descriptions of alcohol disorder zones and different descriptions of premises and may do so either—

(a) by setting out the different rates in the regulations; or

(b) by specifying the methods of computing the different rates in the regulations.

(5) Regulations under this section fixing such rates—

(a) may authorise or require a local authority to grant discounts from the charges; and

(b) must provide for exemptions from the charges for the purpose mentioned subsection (6).

(6) The only exemptions from charges for which regulations under this section may provide are exemptions for the purpose of securing that charges are not imposed in relation to premises where—

(a) the principal use to which the premises are put does not consist in or include the sale or supply of alcohol; and

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(b) the availability of alcohol on those premises is not the main reason, or one of the main reasons, why individuals enter or remain on those premises (whether generally or at particular times of the day or on particular days of the week, or both).

(7) Regulations providing for a discount or exemption from charges may make a discount or exemption subject to compliance with conditions which—

(a) are set out in the regulations; or

(b) are specified by the local authority in accordance with provision made under the regulations;

and those conditions may include conditions requiring approvals to be given in respect of premises by such persons, and in accordance with such scheme, as may be provided for in the regulations.

(8) The Secretary of State may by regulations make provision about—

(a) the payment, collection and enforcement of charges imposed in accordance with regulations under this section;

(b) the determination of questions about liability for such charges, about the rate of charge applicable in relation to a particular set of premises or about compliance with the conditions of any exemption or discount; and

(c) appeals against decisions determining such questions.

(9) Such regulations may include provision—

(a) for interest to be charged at such rate and in such manner as may be specified in or determined under the regulations on charges that are overdue; and

(b) for the suspension of premises licences and club premises certificates for non payment of a charge.

(10) In subsection (3) the reference, in relation to any charges, to the costs of the scheme is a reference to the costs of the arrangements made for or in connection with the imposition, collection and recovery of those charges.

Commencement Information

I21 S. 15 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

16 Designation of alcohol disorder zones

(1) A local authority may by order designate a locality in their area as an alcohol disorder zone if they are satisfied—

(a) that there has been nuisance or annoyance to members of the public, or a section of the public, or disorder, in or near that locality;

(b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol in that locality or with the consumption of alcohol supplied at premises in that locality;

(c) that there is likely to be a repetition of nuisance, annoyance or disorder that is so associated; and

(d) that subsection (8) allows the making of the order.

(2) Before designating a locality as an alcohol disorder zone, a local authority must publish a notice—

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(a) setting out their proposal to designate the locality; and

(b) inviting persons interested to make representations about the proposal, and about what might be included in the action plan under subsection (4).

(3) That notice must require the representations to be made before the end of the period of 28 days beginning with the day after publication of the notice.

(4) As soon as reasonably practicable after the end of the period for making representations about a proposal by a local authority to designate a locality, the local authority and the local chief officer of police must—

(a) prepare a document ("the action plan") setting out the steps the taking of which would, in their opinion, make the designation of the locality unnecessary;

(b) publish the action plan in such manner as they consider appropriate for bringing it to the attention of persons likely to be interested in it; and

(c) send a copy of the plan to every person who holds—

(i) a premises licence authorising the use of premises in the locality for the sale of alcohol by retail; or

(ii) a club premises certificate by virtue of which authorisation is given to the use of premises in the locality for the supply of alcohol to members or guests.

(5) The steps set out in the action plan may include the establishment and maintenance of a scheme for the making of payments to the local authority.

(6) The action plan must also contain proposals by—

(a) the local authority in whose area the locality to which the proposed designation relates is situated, and

(b) the local chief officer of police,

about what action they will take in relation to that locality if the plan is implemented.

(7) The power of the Secretary of State to make regulations under subsection (2) of section 15 shall be exercisable in relation to sums received by a local authority in accordance with a scheme established under an action plan as it is exercisable in relation to sums received by a local authority in respect of charges imposed by virtue of regulations under that section.

(8) A local authority may only make an order designating a locality as an alcohol disorder zone if—

(a) the period of 8 weeks beginning with the day after the publication of the action plan has expired without such steps for implementing the action plan having been taken as, in that authority's opinion, make the designation of the locality unnecessary; or

(b) the local authority are satisfied (whether before or after the end of that period) that the plan will not be implemented, that the steps required by the plan are no longer being taken or that effect is no longer being given to arrangements made in accordance with the plan.

Commencement Information

I22 S. 16 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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17 Procedure for designation of zones

(1) An order designating an alcohol disorder zone must identify the locality being designated either by name or, if appropriate, by describing its boundaries.

(2) A local authority who have designated a locality as an alcohol disorder zone may by order revoke the designation.

(3) If a local authority consider that the locality designated by an alcohol disorder zone should be varied, they may—

(a) make a proposal for the purposes of section 16 for a replacement order designating a locality that includes the whole or part of the locality already designated; and

(b) in any designation order made to give effect to that proposal, revoke the previous designation with effect from the coming into force of the replacement order.

(4) The local authority who have designated a locality as an alcohol disorder zone and the local chief officer of police must—

(a) as soon as reasonably practicable after the end of three months from the coming into force of the designation, and

(b) as soon as reasonably practicable after the end of each subsequent period of three months,

together carry out a review of the need for the designation.

(5) On each such review the local authority and local chief officer of police must consider whether it would be appropriate for any of the powers in subsections (2) and (3) to be exercised.

(6) The Secretary of State may make regulations which, for the purpose of supplementing the provisions of section 16 and this section, prescribe additional procedures to be followed in relation to the making or revocation of orders for the designation of a locality as an alcohol disorder zone.

(7) Those regulations must include, in particular, provision requiring local authorities to publicise the making and effect of orders designating localities as alcohol disorder zones.

Commencement Information

I23 S. 17 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

18 Functions of local chief officer of police

(1) It is the duty of a local authority to consider whether to make a proposal for the designation of a locality as an alcohol disorder zone if the local chief officer of police applies to them to do so.

(2) If on such an application the local authority decide not to make a proposal, they must—

(a) give notice of their decision (setting out their reasons) to the local chief officer of police; and

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(b) send a copy of that notice to the Secretary of State and to the police authority for the police area in which the locality to which the proposal relates is situated.

(3) A local authority which—

(a) are proposing to designate a locality as an alcohol disorder zone, and

(b) are not doing so on an application from the local chief officer of police,

must consult that chief officer before publishing notice of their proposal.

(4) The consent of the local chief officer of police is required for the making of—

(a) an order designating a locality as an alcohol disorder zone; or

(b) the making of an order under section 17(2).

(5) Where the local chief officer of police does not give a consent required by subsection (4)(a), he must give notice of his decision (setting out his reasons) to the Secretary of State and to the police authority for his police area.

Commencement Information

I24 S. 18 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

19 Guidance about the designation of zones

(1) The Secretary of State—

(a) must issue such guidance as he considers appropriate about the manner in which local authorities, police authorities and chief officers of police are to exercise and perform their powers and duties by virtue of this Chapter; and

(b) may from time to time revise that guidance.

(2) The guidance must include guidance about what alternative steps should be considered before a proposal is made for the designation of a locality as an alcohol disorder zone.

(3) Before issuing or revising any guidance under this section, the Secretary of State must consult—

(a) persons he considers represent the interests of local authorities;

(b) persons he considers represent the interests of chief officers of police;

(c) persons he considers represent the interests of police authorities;

(d) persons he considers represent the interests of holders of premises licences;

(e) persons he considers represent the interests of holders of club premises certificates; and

(f) such other persons as he thinks fit.

(4) It shall be the duty of every local authority, police authority and chief officer of police, in exercising their powers and duties by virtue of this Chapter, to have regard to the guidance for the time being in force under this section.

Commencement Information

I25 S. 19 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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20 Supplemental provisions for Chapter 2

(1) In this Chapter—

"alcohol disorder zone" means a locality designated as such a zone under section 16;

"local authority" means—

(a) a district council;

(b) a county council for an area for which there are no district councils;

(c) a London borough council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Council of the Isles of Scilly;

(f) a county council or a county borough council in Wales;

"local chief officer of police", in relation to the designation of a locality as an alcohol disorder zone, means the chief of police of the police force for the police area in which that locality is situated;

"locality" includes a part of a locality.

(2) Expressions used in this Chapter and in the Licensing Act 2003 (c. 17) or in a Part of that Act have the same meanings in this Chapter as in that Act or Part.

(3) References in this Chapter to premises' being in a locality (however described) include references to their being partly in that locality.

(4) The powers of the Secretary of State to make regulations under this Chapter shall be exercisable by statutory instrument.

(5) Those powers all include power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(6) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this Chapter unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(7) Subsection (5)(b) is subject to the restriction on exemptions contained in section 15(6).

Commencement Information

I26 S. 20 in force at 5.6.2008 by S.I. 2008/1407, **art. 2**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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CHAPTER 3

OTHER PROVISIONS

Licence reviews

21 Power of police to require review of premises licence

After section 53 of the Licensing Act 2003 (c. 17), insert—

"Summary reviews in serious cases of crime or disorder

53A Summary reviews on application of senior police officer

(1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—

(a) the premises are licensed premises in relation to the sale of alcohol by retail; and

(b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;

and that certificate must accompany the application.

(2) On receipt of such an application, the relevant licensing authority must—

(a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and

(b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.

(3) The Secretary of State must by regulations—

(a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;

(b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;

(c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;

(d) prescribe the period after the making of the application within which the advertisement must be published;

(e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and

(f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).

(4) In this section—

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"senior member", in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and

"serious crime" has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).

(5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

53B Interim steps pending review

(1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.

(2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.

(3) The interim steps the relevant licensing authority must consider taking are—
- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence.

(4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

(5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
- (a) its decision takes effect immediately or as soon after that as that authority directs; but
- (b) it must give immediate notice of its decision and of its reasons for making it to—
  - (i) the holder of the premises licence; and
  - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

(6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

(7) The relevant licensing authority must give advance notice of the hearing to—
- (a) the holder of the premises licence;
- (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

(8) At the hearing, the relevant licensing authority must—

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(a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and

(b) determine whether to withdraw or modify the steps taken.

(9) In considering those matters the relevant licensing authority must have regard to—

(a) the certificate that accompanied the application;

(b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and

(c) any representations made by the holder of the premises licence.

(10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

53C Review of premises licence following review notice

(1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.

(2) The relevant licensing authority must—

(a) hold a hearing to consider the application for the review and any relevant representations;

(b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and

(c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).

(3) Those steps are—

(a) the modification of the conditions of the premises licence,

(b) the exclusion of a licensable activity from the scope of the licence,

(c) the removal of the designated premises supervisor from the licence,

(d) the suspension of the licence for a period not exceeding three months, or

(e) the revocation of the licence.

(4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

(6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).

(7) In this section “relevant representations” means representations which—

(a) are relevant to one or more of the licensing objectives, and

(b) meet the requirements of subsection (8).

(8) The requirements are—

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(a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),

(b) that they have not been withdrawn, and

(c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.

(10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—

(a) the holder of the premises licence,

(b) any person who made relevant representations, and

(c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).

(11) A decision under this section does not have effect until—

(a) the end of the period given for appealing against the decision, or

(b) if the decision is appealed against, the time the appeal is disposed of."

Commencement Information

I27 S. 21 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(a)**

22 Provisions supplemental to s. 21

(1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—

(a) in paragraph (a), after sub-paragraph (vi) insert—

"(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),";

(b) after paragraph (b), insert—

"(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,".

(2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—

"**Summary review of premises licence**

8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).

(2) An appeal may be made against that decision by—

(a) the chief officer of police for the police area (or each police area) in which the premises are situated,

(b) the holder of the premises licence, or

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(c) any other person who made relevant representations in relation to the application for the review.

(3) In sub-paragraph (2) "relevant representations" has the meaning given in section 53C(7)."

Commencement Information
I28 S. 22 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(a)**

Persistently selling alcohol to children

23 Offence of persistently selling alcohol to children

(1) After section 147 of the Licensing Act 2003 (c. 17) insert—

"**147A Persistently selling alcohol to children**

(1) A person is guilty of an offence if—
(a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;
(b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
(c) that person was a responsible person in relation to the premises at each such time.

(2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—
(a) the person making the sale believed the individual to be aged under 18; or
(b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.

(3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—
(a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
(b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—
(a) the person or one of the persons holding a premises licence in respect of the premises; or
(b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.

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(5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.

(6) The same sale may not be counted in respect of different offences for the purpose—
  (a) of enabling the same person to be convicted of more than one offence under this section; or
  (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.

(7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—
  (a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;
  (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or
  (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.

(8) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £10,000.

(9) The Secretary of State may by order amend subsection (8) to increase the maximum fine for the time being specified in that subsection.

147B Order suspending a licence in respect of offence under section 147A

(1) Where the holder of a premises licence is convicted of an offence under section 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding three months.

(2) Where more than one person is liable for an offence under section 147A relating to the same sales, no more than one order under subsection (1) may be made in relation to the premises in question in respect of convictions by reference to those sales.

(3) Subject to subsections (4) and (5), an order under subsection (1) comes into force at the time specified by the court that makes it.

(4) Where a magistrates' court makes an order under subsection (1), it may suspend its coming into force pending an appeal.

(5) Section 130 (powers of appellate court to suspend section 129 order) applies (with the omission of subsection (9)) where an order under subsection (1) is made on conviction of an offence under section 147A as it applies where an order under section 129 is made on conviction of a relevant offence in Part 6.”

(2) In section 186(2) of that Act (persons who may institute prosecutions under that Act) —
  (a) in paragraph (a) (licensing authority), at the beginning insert “ except in the case of an offence under section 147A, ”; and

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(b) in paragraph (c) (local weights and measures authority), for "or 147" substitute " , 147 or 147A ".

(3) In section 197 of that Act (regulations and orders)—

(a) in subsection (3), after paragraph (c) insert—

"(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;";

(b) in subsection (4), after "(c)," insert " (ca), ";

(c) after subsection (4) insert—

"(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not confined to the increase of the maximum fine to take account of changes in the value of money."

(4) A sale of alcohol is not to count for the purposes of the offence under section 147A of the Licensing Act 2003 (c. 17) if it took place before the commencement of this section.

Commencement Information

I29 S. 23 in force at 6.4.2007 by S.I. 2007/858, **art. 2(a)**

24 Closure notices for persistently selling alcohol to children

(1) After section 169 of the Licensing Act 2003 insert—

"Closure notices

169A Closure notices for persistently selling alcohol to children

(1) A relevant officer may give a notice under this section (a "closure notice") applying to any premises if—

(a) there is evidence that a person ("the offender") has committed an offence under section 147A in relation to those premises;

(b) the relevant officer considers that the evidence is such that, if the offender were prosecuted for the offence, there would be a realistic prospect of his being convicted; and

(c) the offender is still, at the time when the notice is given, the holder of a premises licence in respect of those premises, or one of the holders of such a licence.

(2) A closure notice is a notice which—

(a) proposes a prohibition for a period not exceeding 48 hours on sales of alcohol on the premises in question; and

(b) offers the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed by the notice.

(3) A closure notice must—

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(a) be in the form prescribed by regulations made by the Secretary of State;
(b) specify the premises to which it applies;
(c) give such particulars of the circumstances believed to constitute the alleged offence (including the sales to which it relates) as are necessary to provide reasonable information about it;
(d) specify the length of the period during which it is proposed that sales of alcohol should be prohibited on those premises;
(e) specify when that period would begin if the prohibition is accepted;
(f) explain what would be the effect of the proposed prohibition and the consequences under this Act (including the maximum penalties) of a sale of alcohol on the premises during the period for which it is in force;
(g) explain the right of every person who, at the time of the alleged offence, held or was one of the holders of a premises licence in respect of those premises to be tried for that offence; and
(h) explain how that right may be exercised and how (where it is not exercised) the proposed prohibition may be accepted.

(4) The period specified for the purposes of subsection (3)(d) must be not more than 48 hours; and the time specified as the time from which that period would begin must be not less than 14 days after the date of the service of the closure notice in accordance with subsection (6).

(5) The provision included in the notice by virtue of subsection (3)(h) must—
(a) provide a means of identifying a police officer or trading standards officer to whom notice exercising the option to accept the prohibition may be given;
(b) set out particulars of where and how that notice may be given to that police officer or trading standards officer;
(c) require that notice to be given within 14 days after the date of the service of the closure notice; and
(d) explain that the right to be tried for the alleged offence will be taken to have been exercised unless every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition.

(6) Section 184 (giving of notices) does not apply to a closure notice; but such a notice must be served on the premises to which it applies.

(7) A closure notice may be served on the premises to which it applies—
(a) only by being handed by a constable or trading standards officer to a person on the premises who appears to the constable or trading standards officer to have control of or responsibility for the premises (whether on his own or with others); and
(b) only at a time when it appears to that constable or trading standards officer that licensable activities are being carried on there.

(8) A copy of every closure notice given under this section must be sent to the holder of the premises licence for the premises to which it applies at whatever address for that person is for the time being set out in the licence.

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(9) A closure notice must not be given more than 3 months after the time of the last of the sales to which the alleged offence relates.

(10) No more that one closure notice may be given in respect of offences relating to the same sales; nor may such a notice be given in respect of an offence in respect of which a prosecution has already been brought.

(11) In this section "relevant officer" means—

(a) a police officer of the rank of superintendent or above; or

(b) an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.

169B Effect of closure notices

(1) This section applies where a closure notice is given under section 169A in respect of an alleged offence under section 147A.

(2) No proceedings may be brought for the alleged offence or any related offence at any time before the time when the prohibition proposed by the notice would take effect.

(3) If before that time every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition in the manner specified in the notice—

(a) that prohibition takes effect at the time so specified in relation to the premises in question; and

(b) no proceedings may subsequently be brought against any such person for the alleged offence or any related offence.

(4) If the prohibition contained in a closure notice takes effect in accordance with subsection (3)(a) in relation to any premises, so much of the premises licence for those premises as authorises the sale by retail of alcohol on those premises is suspended for the period specified in the closure notice.

(5) In this section "related offence", in relation to the alleged offence, means an offence under section 146 or 147 in respect of any of the sales to which the alleged offence relates.

(6) The operation of this section is not affected by any contravention of section 169A(8)."

(2) In subsection (1) of section 170 of that Act (exemptions from liability)—

(a) for "A constable is not" substitute " Neither a constable nor a trading standards officer is "; and

(b) at the end insert " or of his functions in relation to a closure notice ".

(3) For subsection (2) of that section substitute—

"(2) Neither a chief officer of police nor a local weights and measures authority is liable for relevant damages in respect of any act or omission of a person in the performance or purported performance, while under the direction or control of such a chief officer or local weights and measures authority—

(a) of a function of that person in relation to a closure order, or any extension of it; or

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(b) of a function in relation to a closure notice."

(4) After subsection (4) of that section insert—

"(4A) In this section references to a constable include references to a person exercising the powers of a constable by virtue of a designation under section 38 of the Police Reform Act 2002 (community support officers etc.); and, in relation to such a person, the first reference in subsection (2) to a chief officer of police has effect as a reference to a police authority."

(5) In section 171(5) of that Act (expressions defined for the purposes of Part 8),

(a) after the definition of "appropriate person" insert—

""closure notice" has the meaning given in section 169A;"

(b) after the definition of "extension" insert—

""local weights and measures authority" has the meaning given by section 69 of the Weights and Measures Act 1985;"

(c) after the definition of "senior police officer" insert—

""trading standards officer", in relation to any premises to which a premises licence relates, means a person authorised by a local weights and measures authority to act in the area where those premises are situated in relation to proposed prohibitions contained in closure notices;".

(6) In Part 1 of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers of community support officers), after paragraph 5 insert—

"**Power to serve closure notice for licensed premises persistently selling to children**

5A Where a designation applies this paragraph to any person, that person shall have—

(a) within the relevant police area, and

(b) if it appears to him as mentioned in subsection (7) of section 169A of the Licensing Act 2003 (closure notices served on licensed premises persistently serving children),

the capacity of a constable under that subsection to be the person by whose delivery of a closure notice that notice is served."

Commencement Information

I30 S. 24 in force at 6.4.2007 by S.I. 2007/858, **art. 2(a)**

Door supervision at licensed premises

25 Mandatory premises licence condition: door supervision

(1) Section 21 of the Licensing Act 2003 (c. 17) (mandatory condition: door supervision) is amended as follows.

(2) In subsection (1) for "be licensed by the Security Industry Authority" substitute "—

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(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act."

(3) In subsection (3) in paragraph (a), at the end insert " and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) ".

Alcohol related disorder in public places

26 Designated public places

(1) Section 14 of the Criminal Justice and Police Act 2001 (c. 16) (places which are not designated public places) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (a) substitute—

"(a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;

(aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;"

(b) in paragraph (b), after "(a)" insert " or (aa) ";

(c) in paragraph (c), for "20" substitute " 30 ".

(3) After subsection (1) insert—

"(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if—

(a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or

(b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.

(1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only—

(a) at times when it is being used for the sale or supply of alcohol; and

(b) at times falling within 30 minutes after the end of a period during which it has been so used.

(1C) In this section "premises licence" and "club premises certificate" have the same meaning as in the Licensing Act 2003."

Commencement Information

I31 S. 26 in force at 6.4.2007 by S.I. 2007/858, **art. 2(b)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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27 Directions to individuals who represent a risk of disorder

(1) If the test in subsection (2) is satisfied in the case of an individual **[**[F1] aged 10 or over **]** who is in a public place, a constable in uniform may give a direction to that individual—

(a) requiring him to leave the locality of that place; and

(b) prohibiting the individual from returning to that locality for such period (not exceeding 48 hours) from the giving of the direction as the constable may specify.

(2) That test is—

(a) that the presence of the individual in that locality is likely, in all the circumstances, to cause or to contribute to the occurrence of alcohol-related crime or disorder in that locality, or to cause or to contribute to a repetition or continuance there of such crime or disorder; and

(b) that the giving of a direction under this section to that individual is necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in that locality during the period for which the direction has effect or of there being a repetition or continuance in that locality during that period of such crime or disorder.

(3) A direction under this section—

(a) must be given in writing;

(b) may require the individual to whom it is given to leave the locality in question either immediately or by such time as the constable giving the direction may specify;

(c) must clearly identify the locality to which it relates;

(d) must specify the period for which the individual is prohibited from returning to that locality;

(e) may impose requirements as to the manner in which that individual leaves the locality, including his route; and

(f) may be withdrawn or varied (but not extended so as to apply for a period of more than 48 hours) by a constable.

(4) A constable may not give a direction under this section that prevents the individual to whom it is given—

(a) from having access to a place where he resides;

(b) from attending at any place which he is required to attend for the purposes of any employment of his or of any contract of services to which he is a party;

(c) from attending at any place which he is expected to attend during the period to which the direction applies for the purposes of education or training or for the purpose of receiving medical treatment; or

(d) from attending at any place which he is required to attend by any obligation imposed on him by or under an enactment or by the order of a court or tribunal.

[[F2](4A) A constable who gives a direction under this section may, if the constable reasonably suspects that the individual to whom it is given is aged under 16, remove the person to a place where the person resides or a place of safety.**]**

(5) A constable who gives a direction under this section must make a record of—

(a) the terms of the direction and the locality to which it relates;

(b) the individual to whom it is given;

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(c) the time at which it is given;

(d) the period during which that individual is required not to return to the locality.

(6) A person who fails to comply with a direction under this section is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(7) In section 64A of the Police and Criminal Evidence Act 1984 (c. 60) (power to photograph suspects), in subsection (1B), after paragraph (c) insert—

"(ca) given a direction by a constable under section 27 of the Violent Crime Reduction Act 2006;".

(8) In this section "public place" means—

(a) a highway; or

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

and for this purpose "place" includes a place on a means of transport.

Textual Amendments

F1 Words in s. 27(1) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 31(2)**, 116(1); S.I. 2010/125, art. 2(h)

F2 S. 27(4A) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 31(3)**, 116(1); S.I. 2010/125, art. 2(h)

Commencement Information

I32 S. 27 in force at 22.8.2007 by S.I. 2007/2180, **art. 2**

PART 2

WEAPONS ETC.

Dangerous weapons

28 Using someone to mind a weapon

(1) A person is guilty of an offence if—

(a) he uses another to look after, hide or transport a dangerous weapon for him; and

(b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.

(2) For the purposes of this section the cases in which a dangerous weapon is to be regarded as available to a person for an unlawful purpose include any case where—

(a) the weapon is available for him to take possession of it at a time and place; and

(b) his possession of the weapon at that time and place would constitute, or be likely to involve or to lead to, the commission by him of an offence.

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(3) In this section "dangerous weapon" means—

(a) a firearm other than an air weapon or a component part of, or accessory to, an air weapon; or

(b) a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons).

(4) In its application to Scotland, this section has effect with the omission of subsection " (3)(b) ", and of the word " or " immediately preceding it.

Commencement Information

I33 S. 28 in force at 6.4.2007 by S.I. 2007/858, **art. 2(c)**

29 Penalties etc. for offence under s. 28

(1) This section applies where a person ("the offender") is guilty of an offence under section 28.

(2) Where the dangerous weapon in respect of which the offence was committed is a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (specified offensive weapons, knives and bladed weapons) applies, the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

(3) Where—

(a) at the time of the offence, the offender was aged 16 or over, and

(b) the dangerous weapon in respect of which the offence was committed was a firearm mentioned in section 5(1)(a) to (af) or (c) or section 5(1A)(a) of the 1968 Act (firearms possession of which attracts a minimum sentence),

the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both.

(4) On a conviction in England and Wales, where—

(a) subsection (3) applies, and

(b) the offender is aged 18 or over at the time of conviction,

the court must impose (with or without a fine) a term of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(5) In relation to times before the commencement of paragraph 180 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43), the reference in subsection (4) to a sentence of imprisonment, in relation to an offender aged under 21 at the time of conviction, is to be read as a reference to a sentence of detention in a young offender institution.

(6) On a conviction in England and Wales, where—

(a) subsection (3) applies, and

(b) the offender is aged under 18 at the time of conviction,

the court must impose (with or without a fine) a term of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) of not less than 3

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years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(7) On a conviction in Scotland, where—

(a) subsection (3) applies, and

(b) the offender is aged 21 or over at the time of conviction,

the court must impose (with or without a fine) a sentence of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(8) On a conviction in Scotland, where—

(a) subsection (3) applies, and

(b) the offender is aged under 21 at the time of conviction and is not a person in whose case subsection (9) applies,

the court must impose (with or without a fine) a sentence of detention under section 207 of the Criminal Procedure (Scotland) Act 1995 (c. 46) of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(9) On a conviction in Scotland, where—

(a) subsection (3) applies, and

(b) the offender is, at the time of conviction, both aged under 18 and subject to a supervision requirement,

the court must impose (with or without a fine) a sentence of detention under section 208 of the Criminal Procedure (Scotland) Act 1995 of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(10) In any case not mentioned in subsection (2) or (3), the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

(11) Where—

(a) a court is considering for the purposes of sentencing the seriousness of an offence under section 28, and

(b) at the time of the offence the offender was aged 18 or over and the person used to look after, hide or transport the weapon was not,

the court must treat the fact that that person was under the age of 18 at that time as an aggravating factor (that is to say, a factor increasing the seriousness of the offence).

(12) Where a court treats a person's age as an aggravating factor in accordance with subsection (11), it must state in open court that the offence was aggravated as mentioned in that subsection.

(13) Where—

(a) an offence under section 28 of using another person for a particular purpose is found to have involved that other person's having possession of a weapon, or being able to make it available, over a period of two or more days, or at some time during a period of two or more days, and

(b) on any day in that period, an age requirement was satisfied,

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the question whether subsection (3) applies or (as the case may be) the question whether the offence was aggravated under this section is to be determined as if the offence had been committed on that day.

(14) In subsection (13) the reference to an age requirement is a reference to either of the following—

(a) the requirement of subsection (3) that the offender was aged 16 or over at the time of the offence;

(b) the requirement of subsection (11) that the offender was aged 18 or over at that time and that the other person was not.

(15) In its application to Scotland, this section has effect with the omission of subsection (2), and of the reference to it in subsection (10).

Commencement Information

I34 S. 29 in force at 6.4.2007 by S.I. 2007/858, **art. 2(c)**

Minimum sentences for firearms offences

30 Minimum sentences for certain firearms offences

(1) The 1968 Act is amended as follows.

(2) In section 51A (which imposes minimum sentence requirements for certain offences involving the possession of various firearms), in subsection (1)—

(a) in paragraph (a)(ii), for "and" substitute " or ";

(b) after paragraph (a)(ii) insert—

"(iii) an offence under any of the provisions of this Act listed in subsection (1A) in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of this Act, and".

(3) After that subsection insert—

"(1A) The provisions are—

(a) section 16 (possession of firearm with intent to injure);

(b) section 16A (possession of firearm with intent to cause fear of violence);

(c) section 17 (use of firearm to resist arrest);

(d) section 18 (carrying firearm with criminal intent);

(e) section 19 (carrying a firearm in a public place);

(f) section 20(1) (trespassing in a building with firearm)."

(4) In Schedule 6 (prosecution and punishment of offences) in column 3, in paragraph (a) of the entries relating to sections 19 and 20(1), after "Summary", in each place, insert " except if the firearm is a firearm specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae) or (af) or section 5(1A)(a) of this Act. "

(5) This section applies only to offences committed after the commencement of this section.

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Commencement Information

I35 S. 30 in force at 6.4.2007 by S.I. 2007/858, **art. 2(d)**

Air weapons

31 Prohibition on sale or transfer of air weapons except by registered dealers

(1) In subsection (1) of section 3 of the 1968 Act (offence for a person other than a registered firearms dealer to sell etc. a firearm or ammunition by way of trade or business), at the end of paragraph (b) insert "or

(c) sells or transfers an air weapon, exposes such a weapon for sale or transfer or has such a weapon in his possession for sale or transfer,".

(2) In section 40(2) of that Act (which excludes air weapons from the requirements to keep a register of transactions), omit the words from " to firearms " to " therein ".

(3) In section 57(4) of that Act (interpretation), in the definition of "firearms dealer", for the words from "manufactures" onwards substitute—

"(a) manufactures, sells, transfers, repairs, tests or proves firearms or ammunition to which section 1 of this Act applies or shot guns; or

(b) sells or transfers air weapons."

Commencement Information

I36 S. 31(1)(2) in force at 1.10.2007 by S.I. 2007/2180, **art. 4(a)**

I37 S. 31(3) in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(e)**

I38 S. 31(3) in force in so far as not already in force at 1.10.2007 by S.I. 2007/2180, **art. 4(a)**

32 Sales of air weapons by way of trade or business to be face to face

(1) This section applies where a person sells an air weapon by way of trade or business to an individual in Great Britain who is not registered as a firearms dealer.

(2) A person is guilty of an offence if, for the purposes of the sale, he transfers possession of the air weapon to the buyer otherwise than at a time when both—

(a) the buyer, and

(b) either the seller or a representative of his,

are present in person.

(3) The reference in subsection (2) to a representative of the seller is a reference to—

(a) a person who is employed by the seller in his business as a registered firearms dealer;

(b) a registered firearms dealer who has been authorised by the seller to act on his behalf in relation to the sale; or

(c) a person who is employed by a person falling within paragraph (b) in his business as a registered firearms dealer.

(4) A person guilty of an offence under this section shall be liable—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale, or to both; and

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both.

(5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (4)(a) of this section to 51 weeks is to be read as a reference to 6 months.

Commencement Information

I39 S. 32 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(b)**

33 Age limits for purchase etc. of air weapons

(1) The 1968 Act is amended as follows.

(2) For section 22(1) (acquisition and possession of firearms by minors) substitute—

"(1) It is an offence—

(a) for a person under the age of eighteen to purchase or hire an air weapon or ammunition for an air weapon;

(b) for a person under the age of seventeen to purchase or hire a firearm or ammunition of any other description."

(3) In subsection (4) of that section, for "seventeen" substitute " eighteen ".

(4) For section 24(1) (supplying firearms to minors) substitute—

"(1) It is an offence—

(a) to sell or let on hire an air weapon or ammunition for an air weapon to a person under the age of eighteen;

(b) to sell or let on hire a firearm or ammunition of any other description to a person under the age of seventeen."

(5) In subsection (4) of that section in paragraphs (a) and (b), for "seventeen" substitute " eighteen ".

(6) In the table in Part 1 of Schedule 6 (punishment)—

(a) in the entry for section 22(1), in the second column, at the end insert " or person under 18 acquiring air weapon ";

(b) in the entry for section 22(4), in the second column, for "17" substitute " 18 ";

(c) in the entry for section 24(1), in the second column, at the end insert " or an air weapon to a person under 18 ";

(d) in the entry for section 24(4), in the second column, for "17" substitute " 18 ".

Commencement Information

I40 S. 33 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(c)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

34 Firing an air weapon beyond premises

(1) The 1968 Act is amended as follows.

(2) After section 21 (possession of firearms by persons previously convicted of crime) insert—

"21A Firing an air weapon beyond premises

(1) A person commits an offence if—

(a) he has with him an air weapon on any premises; and

(b) he uses it for firing a missile beyond those premises.

(2) In proceedings against a person for an offence under this section it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent)."

(3) In section 23 (exceptions from section 22(4))—

(a) in subsection (1), for paragraphs (a) and (b) substitute " for the person under whose supervision he is to allow him to use it for firing any missile beyond those premises. ";

(b) after that subsection insert—

"(1A) In proceedings against a person for an offence under subsection (1) it shall be a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).";

(c) omit subsection (4).

(4) In the table in Part 1 of Schedule 6 (punishment), after the entry for section 21(5) insert—

"Section 21A	Person making improper use of air weapon	Summary	A fine of level 3 on the standard scale	Paragraphs 7 and 8 of Part II of this Schedule apply."

(5) In that table, in the entry for section 23(1), for the words in the second column substitute " Person supervising a person under 18 and allowing him to make improper use of air weapon ".

(6) In Part 2 of that Schedule (supplementary)—

(a) in paragraph 7, after "under section" insert " 21A, ";

(b) in paragraph 8, after "under section" insert " 21A, ".

Commencement Information

I41 S. 34 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(d)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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Ammunition

35 Restriction on sale and purchase of primers

(1) This section applies to a cap-type primer designed for use in metallic ammunition for a firearm.

(2) It is an offence for a person to sell to another either—

(a) a primer to which this section applies,

(b) an empty cartridge case incorporating such a primer,

unless that other person falls within subsection (3).

(3) A person falls within this subsection if—

(a) he is a registered firearms dealer;

(b) he sells by way of any trade or business either primers or empty cartridge cases incorporating primers, or both;

(c) he produces a certificate authorising him to possess a firearm of a relevant kind;

(d) he produces a certificate authorising him to possess ammunition of a relevant kind;

(e) he shows that he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies;

(f) he shows that he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 (c. 45) or any other enactment and otherwise than by virtue of being a person in the service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind;

(g) he produces a certificate authorising another person to have possession of such a firearm, or of such ammunition, together with that other person's authority to purchase the primer or empty cartridge case on his behalf; or

(h) he shows that he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question.

(4) It is an offence for a person to buy or to attempt to buy—

(a) a primer to which this section applies, or

(b) an empty cartridge case incorporating such a primer,

unless he falls within subsection (5).

(5) A person falls within this subsection if—

(a) he is a registered firearms dealer;

(b) he sells by way of any trade or business either primers or empty cartridge cases incorporating primers, or both;

(c) he holds a certificate authorising him to possess a firearm of a relevant kind;

(d) he holds a certificate authorising him to possess ammunition of a relevant kind;

(e) he is a person in the service of Her Majesty who is entitled under subsection (6) to acquire a primer to which this section applies;

(f) he is entitled, by virtue of the 1968 Act, the Firearms (Amendment) Act 1988 or any other enactment and otherwise than by virtue of being a person in the

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service of Her Majesty, to have possession, without a certificate, of a firearm of a relevant kind or of ammunition of a relevant kind;

(g) he is in possession of a certificate authorising another person to have possession of such a firearm, or of such ammunition, and has that other person's authority to purchase the primer or empty cartridge case on his behalf; or

(h) he is authorised by regulations made by the Secretary of State to purchase primers or cartridge cases of the type in question.

(6) A person who is in the service of Her Majesty is entitled to acquire a primer to which this section applies if—

(a) he is duly authorised in writing to acquire firearms and ammunition for the public service; or

(b) he is a person who is authorised to purchase a firearm or ammunition by virtue of a certificate issued in accordance with section 54(2)(b) of the 1968 Act (certificates for persons in naval, military or air service of Her Majesty).

(7) An offence under this section shall be punishable, on summary conviction—

(a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and

(b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (7)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(9) The power of the Secretary of State to make regulations for the purposes of subsection (3)(h) or (5)(h) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(10) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(11) In this section—

"ammunition of a relevant kind" means ammunition for a firearm of a relevant kind;

"enactment" includes an enactment passed after the passing of this Act;

"firearm of a relevant kind" means a firearm other than a shot gun, an air weapon or a firearm chambered for rim-fire ammunition.

Commencement Information

I42 S. 35 in force at 6.4.2007 by S.I. 2007/858, **art. 2(f)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Imitation firearms

36 Manufacture, import and sale of realistic imitation firearms

(1) A person is guilty of an offence if—
- (a) he manufactures a realistic imitation firearm;
- (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;
- (c) he sells a realistic imitation firearm; or
- (d) he brings a realistic imitation firearm into Great Britain or causes one to be brought into Great Britain.

(2) Subsection (1) has effect subject to the defences in section 37.

(3) The Secretary of State may by regulations—
- (a) provide for exceptions and exemptions from the offence under subsection (1); and
- (b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.

(4) Regulations under subsection (3) may—
- (a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;
- (b) provide for approvals and consents to be given in relation to particular cases or in relation to such descriptions of case as may be specified or described in the regulations; and
- (c) confer the function of giving approvals or consents on such persons specified or described in the regulations as the Secretary of State thinks fit.

(5) The power of the Secretary of State to make regulations under subsection (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power—
- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) A realistic imitation firearm brought into Great Britain shall be liable to forfeiture under the customs and excise Acts.

(8) In subsection (7) “the customs and excise Acts” has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).

(9) An offence under this section shall be punishable, on summary conviction—
- (a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and
- (b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

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(10) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (9)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(11) In this section "realistic imitation firearm" has the meaning given by section 38.

Commencement Information

I43 S. 36 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(e)**

37 Specific defences applying to the offence under s. 36

(1) It shall be a defence for a person charged with an offence under section 36 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in subsection (2).

(2) Those purposes are—

(a) the purposes of a museum or gallery;

(b) the purposes of theatrical performances and of rehearsals for such performances;

(c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48)_see section 5B of that Act);

(d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21)_see section 405(1) of that Act);

(e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Secretary of State;

(f) the purposes of functions that a person has in his capacity as a person in the service of Her Majesty.

(3) It shall also be a defence for a person charged with an offence under section 36 in respect of conduct falling within subsection (1)(d) of that section to show that the conduct—

(a) was in the course of carrying on any trade or business; and

(b) was for the purpose of making the imitation firearm in question available to be modified in a way which would result in its ceasing to be a realistic imitation firearm.

(4) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (1) or (3) if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and

(b) the contrary is not proved beyond a reasonable doubt.

(5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power—

(a) to make different provision for different cases;

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(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) In this section—

"historical re-enactment" means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;

"museum or gallery" includes any institution which—

(a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and

(b) gives the public access to it.

Commencement Information

I44 S. 37 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(f)**

38 Meaning of "realistic imitation firearm"

(1) In sections 36 and 37 "realistic imitation firearm" means an imitation firearm which—

(a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and

(b) is neither a de-activated firearm nor itself an antique.

(2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—

(a) by an expert;

(b) on a close examination; or

(c) as a result of an attempt to load or to fire it.

(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm—

(a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and

(b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The Secretary of State may by regulations provide that, for the purposes of subsection (3)(b)—

(a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and

(b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.

(5) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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(6) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) In this section—

"colour" is to be construed in accordance with subsection (9);

"de-activated firearm" means an imitation firearm that consists in something which—

(a) was a firearm; but

(b) has been so rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;

"real firearm" means—

(a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or

(b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.

(8) In subsection (7) "modern firearm" means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.

(9) References in this section, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.

(10) Section 8 of the Firearms (Amendment) Act 1988 (c. 45) (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this section as it applies for the purposes of the 1968 Act.

Commencement Information

I45 S. 38 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(g)**

39 Specification for imitation firearms

(1) The Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications which are—

(a) set out in the regulations; or

(b) approved by such persons and in such manner as may be so set out.

(2) A person is guilty of an offence if—

(a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under this section;

(b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;

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(c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or

(d) he brings an imitation firearm which does not conform to the specifications so required of it into Great Britain or causes such an imitation firearm to be brought into Great Britain.

(3) An offence under this section shall be punishable, on summary conviction—

(a) in England and Wales, with imprisonment for a term not exceeding 51 weeks or with a fine not exceeding level 5 on the standard scale, or with both; and

(b) in Scotland, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(4) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (3)(a) of this section to 51 weeks is to be read as a reference to 6 months.

(5) Regulations under this section may provide that, in proceedings for an offence under this section, it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certified as so conforming by a person who is—

(a) specified in the regulations; or

(b) determined for the purpose in accordance with provisions contained in the regulations.

(6) An imitation firearm brought into Great Britain which does not conform to the specifications required of it by regulations under this section shall be liable to forfeiture under the customs and excise Acts.

(7) In subsection (6) "the customs and excise Acts" has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).

(8) The power of the Secretary of State to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

Commencement Information

I46 S. 39 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(h)**

40 Supplying imitation firearms to minors

(1) After section 24 of the 1968 Act insert—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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"24A Supplying imitation firearms to minors

(1) It is an offence for a person under the age of eighteen to purchase an imitation firearm.

(2) It is an offence to sell an imitation firearm to a person under the age of eighteen.

(3) In proceedings for an offence under subsection (2) it is a defence to show that the person charged with the offence—

(a) believed the other person to be aged eighteen or over; and

(b) had reasonable ground for that belief.

(4) For the purposes of this section a person shall be taken to have shown the matters specified in subsection (3) if—

(a) sufficient evidence of those matters is adduced to raise an issue with respect to them; and

(b) the contrary is not proved beyond a reasonable doubt."

(2) In the table in Part 1 of Schedule 6 (punishment), after the entry for section 24(4) insert—

"Section 24A(1) or (2)	Acquisition by a minor of an imitation firearm and supplying him.	Summary	In England and Wales, 51 weeks or a fine of level 5 on the standard scale, or both. In Scotland, 6 months, or a fine of level 5 on the standard scale, or both."

(3) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference to 51 weeks in the entry inserted by subsection (2) of this section is to be read as a reference to 6 months.

Commencement Information

I47 S. 40 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(i)**

41 Increase of maximum sentence for possessing an imitation firearm

(1) In the entry in Schedule 6 to the 1968 Act relating to section 19 of that Act (mode of trial and punishment of possession of firearm or imitation firearm in a public place)—

(a) in paragraph (b) of column 3 (offence to be triable either way except in the case of an imitation firearm or air weapon), omit the words " in the case of an imitation firearm or "; and

(b) in column 4, for "7 years or a fine; or both" substitute—

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"(i) if the weapon is an imitation firearm, 12 months or a fine, or both;

(ii) in any other case, 7 years or a fine, or both."

(2) An offence in England and Wales under section 19 of the 1968 Act in respect of an imitation firearm which is triable either way by virtue of this section is to be treated—

(a) as an offence to which section 282(3) of the Criminal Justice Act 2003 (c. 44) (increase of maximum sentence on conviction of an either way offence) applies; and

(b) as not being an offence to which section 281(5) of that Act (increase of maximum sentence on conviction of a summary only offence) applies.

(3) This section—

(a) applies only to offences committed after the commencement of this section; and

(b) so far as it relates to subsection (3) of section 282 of the Criminal Justice Act 2003 or subsection (5) of section 281 of that Act, does not have effect in relation to offences committed before the commencement of that subsection.

Commencement Information

I48 S. 41 in force at 1.10.2007 by S.I. 2007/2518, **art. 2**

Knives, etc.

42 Increase of maximum sentences for offences of having knives etc.

(1) In each of the following provisions of the Criminal Justice Act 1988 (c. 33), for "two" substitute " four "

(a) section 139(6)(b) (maximum penalty for offence of having knife etc. in public place);

(b) section 139A(5)(a)(ii) (maximum penalty for offence of having knife etc. or offensive weapon on school premises).

(2) This section applies only to offences committed after the commencement of this section.

Commencement Information

I49 S. 42 in force at 12.2.2007 by S.I. 2007/74, **art. 2(a)**

43 Sale etc. of knives and other weapons

(1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 141A(1) (prohibition on sale of knives etc. to persons under sixteen), for "sixteen" substitute " eighteen ".

(3) In subsections (5), (8) and (9) of section 141 (defences relating to museums and galleries to offence of manufacture, sale etc. of prescribed weapons), for "prove" substitute " show ".

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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(4) After subsection (11) of that section insert—

"(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—

(a) with an offence under subsection (1) above, or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11B) Those purposes are—

(a) the purposes of theatrical performances and of rehearsals for such performances;

(b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);

(c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).

(11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and

(b) the contrary is not proved beyond a reasonable doubt.

(11D) The Secretary of State may by order made by statutory instrument—

(a) provide for exceptions and exemptions from the offence under subsection (1) above or from the prohibition in subsection (4) above; and

(b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order.

(11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House."

(5) The defence in section 141(11A) is not available in relation to so much of any charge as relates to conduct taking place before the commencement of this section.

Commencement Information

I50 S. 43(1)(2) in force at 1.10.2007 by S.I. 2007/2180, **art. 3(j)**

I51 S. 43(3)(5) in force at 6.4.2008 by S.I. 2008/791, **art. 3(a)**

I52 S. 43(4) in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(a)**

I53 S. 43(4) in force at 6.4.2008 in so far as not already in force by S.I. 2008/791, **art. 3(a)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

44 Sale etc. of crossbows

(1) In the Crossbows Act 1987 (c. 32), in the provisions mentioned in subsection (2), for "seventeen", in each place it occurs, substitute " eighteen ".

(2) The provisions are—
- (a) section 1 (sale and letting on hire);
- (b) section 2 (purchase and hiring);
- (c) section 3 (possession).

Commencement Information
I54 S. 44 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(k)**

45 Power of members of staff to search school pupils for weapons

After section 550A of the Education Act 1996 (c. 56) insert—

"**550AA Power of members of staff to search pupils for weapons**

(1) A member of the staff of a school who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—
- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
- (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),

may search that pupil or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where—
- (a) the member of the staff and the pupil are on the premises of the school; or
- (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil.

(3) A person may carry out a search under this section only if—
- (a) he is the head teacher of the school; or
- (b) he has been authorised by the head teacher to carry out the search.

(4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school to require a person other than a member of the security staff of the school to carry out a search under this section.

(5) A person who carries out a search of a pupil under this section—
- (a) may not require the pupil to remove any clothing other than outer clothing;
- (b) must be of the same sex as the pupil; and
- (c) may carry out the search only in the presence of another member of the staff who is also of the same sex as the pupil.

(6) A pupil's possessions may not be searched under this section except in his presence and in the presence of another member of the staff.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) If, in the course of a search under this section, the person carrying out the search finds—

(a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or

(b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,

he may seize and retain it.

(8) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(9) A person who seizes anything under subsection (7) must deliver it to a police constable as soon as reasonably practicable.

(10) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

(11) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

(12) In this section—

"member of the staff", in relation to a school, means—

(a) any teacher who works at the school; and

(b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;

"member of the security staff" means a member of the staff whose work at the school consists wholly or mainly of security-related activities;

"outer clothing" means—

(a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or

(b) a hat, shoes, boots, gloves or a scarf;

"possessions", in relation to a pupil of a school, includes any goods over which he has or appears to have control.

(13) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers."

Commencement Information

I55 S. 45 in force for E. at 31.5.2007 by S.I. 2007/858, **art. 3(a)**

46 Power to search further education students for weapons

After section 85A of the Further and Higher Education Act 1992 (c. 13) insert—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"**85B Power to search further education students for weapons**

(1) A member of staff of an institution within the further education sector who has reasonable grounds for suspecting that a student at the institution may have with him or in his possessions—
   (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
   (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),

may search that student or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where—
   (a) the member of staff and the student are on the premises of the institution; or
   (b) they are elsewhere and the member of staff has lawful control or charge of the student.

(3) A person may carry out a search under this section only if—
   (a) he is the principal of the institution; or
   (b) he has been authorised by the principal to carry out the search.

(4) A person who carries out a search of a student under this section—
   (a) may not require the student to remove any clothing other than outer clothing;
   (b) must be of the same sex as the student; and
   (c) may carry out the search only in the presence of another member of staff who is also of the same sex as the student.

(5) A student's possessions may not be searched under this section except in his presence and in the presence of another member of staff.

(6) If, in the course of a search under this section, the person carrying out the search finds—
   (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
   (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,

he may seize and retain it.

(7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.

(9) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

(11) In this section—

"member of staff", in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee;

"outer clothing" means—

(a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or

(b) a hat, shoes, boots, gloves or a scarf;

"possessions", in relation to a student of an institution within the further education sector, includes any goods over which he has or appears to have control.

(12) The powers conferred by this section are in addition to any powers exercisable by the member of staff in question apart from this section and are not to be construed as restricting such powers."

Commencement Information

I56 S. 46 in force for E. at 31.5.2007 by S.I. 2007/858, **art. 3(b)**

47 Power to search persons in attendance centres for weapons

(1) A member of staff of an attendance centre who has reasonable grounds for suspecting that a relevant person may have with him or in his possessions—

(a) an article to which section 139 of the Criminal Justice Act 1988 (c. 33) applies (knives and blades etc.), or

(b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953 (c. 14)),

may search the relevant person or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where the member of staff and the relevant person are on the premises of the attendance centre.

(3) A person may carry out a search under this section only if—

(a) he is the officer in charge of the attendance centre; or

(b) he has been authorised by the officer in charge to carry out the search.

(4) A person who carries out a search of a relevant person under this section—

(a) may not require the relevant person to remove any clothing other than outer clothing;

(b) must be of the same sex as the relevant person; and

(c) may carry out the search only in the presence of another member of staff who is also of the same sex as the relevant person.

(5) A relevant person's possessions may not be searched under this section except in his presence and in the presence of another member of staff.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) If, in the course of a search under this section, the person carrying out the search finds—

(a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or

(b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,

he may seize and retain it.

(7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.

(9) The Police (Property) Act 1897 (c. 30) (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

(10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

(11) In this section—

"attendance centre" has the same meaning as in Part 12 of the Criminal Justice Act 2003 (c. 44) (see section 221 of that Act);

"officer in charge", in relation to an attendance centre, means the member of staff for the time being in charge of that centre;

"outer clothing" means—

(a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or

(b) a hat, shoes, boots, gloves or a scarf;

"possessions", in relation to a person, includes any goods over which he has or appears to have control;

"relevant person", in relation to an attendance centre, means a person who is required to attend at that centre by virtue of—

(a) a relevant order (within the meaning of section 196 of the Criminal Justice Act 2003 (c. 44)); or

(b) **[**[F3]a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;**]**

(12) The powers conferred by this section are in addition to any powers exercisable by the member of staff of an attendance centre in question apart from this section and are not to be construed as restricting such powers.

Textual Amendments

F3 Words in s. 47(11) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 98** (with Sch. 27 para. 15); S.I. 2009/3074, art. 2(p)(xv) (with art. 4)

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I57 S. 47 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(l)**

48 Amendment of police power to search schools etc. for weapons

In section 139B of the Criminal Justice Act 1988 (c. 33) (power of entry to search for knives etc. and offensive weapons), in subsection (1) for "believing" substitute " suspecting ".

Commencement Information
I58 S. 48 in force at 31.5.2007 by S.I. 2007/858, **art. 3(c)**

Supplemental

49 Consequential amendments relating to minimum sentences

Schedule 1 (which makes provision consequential on the provisions of this Part relating to minimum sentences) has effect.

Commencement Information
I59 S. 49 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

50 Supplemental provisions for Part 2

(1) In this Part "the 1968 Act" means the Firearms Act 1968 (c. 27).

(2) Expressions used in this Part and in the 1968 Act have the same meanings in this Part as in that Act.

(3) The following provisions of the 1968 Act apply as if sections 28, 29, 32 and 35 to 39 of this Act were contained in that Act—
- (a) section 46 (power of search with warrant);
- (b) section 51(4) (limitation period for prosecutions);
- (c) section 52 (forfeiture and disposal of firearms and ammunition);
- (d) section 58 (savings).

(4) Section 35 binds persons in the service of Her Majesty; and for the purposes of—
- (a) this section,
- (b) that section,
- (c) section 37(2)(f),
- (d) any rule of law under which any of the provisions of section 28, 29, 32, 36 or 39 do not bind the Crown,

a person is in the service of Her Majesty if he is deemed to be in such service (or to be in the naval, military or air service of Her Majesty) for the purposes of and under section 54 of the 1968 Act (Crown application).

(5) In section 52 of the 1968 Act, after subsection (4) insert—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(5) In this section references to ammunition include references to a primer to which section 35 of the Violent Crime Reduction Act 2006 applies and to an empty cartridge case incorporating such a primer."

Commencement Information

I60 S. 50(1)(2)(5) in force at 6.4.2007 by S.I. 2007/858, **art. 2(h)(i)**
I61 S. 50(3) in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(h)(ii)**
I62 S. 50(3)(4)(d) in force in so far as not already in force at 1.10.2007 by S.I. 2007/2180, **art. 4(b)**
I63 S. 50(4)(a)(b) in force at 6.4.2007 by S.I. 2007/858, **art. 2(h)(iii)**
I64 S. 50(4)(c) in force at 1.10.2007 by S.I. 2007/2180, **art. 4(b)**
I65 S. 50(4)(d) in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(h)(iii)**

51 Corresponding provision for Northern Ireland

Schedule 2 (which makes provision for Northern Ireland corresponding to that made by the preceding provisions of this Part, other than sections 31 to 35, 42 and 45 to 47) has effect.

Commencement Information

I66 S. 51 in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(i)**
I67 S. 51 in force for specified purposes at 31.5.2007 by S.I. 2007/858, **art. 3(d)**
I68 S. 51 in force for specified purposes at 1.10.2007 by S.I. 2007/2518, **art. 3(a)**
I69 S. 51 in force for specified purposes at 1.10.2007 by S.I. 2007/2180, **art. 4(c)**
I70 S. 51 in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(b)**
I71 S. 51 in force at 6.4.2008 for specified purposes by S.I. 2008/791, **art. 3(b)**

PART 3

MISCELLANEOUS

Football

52 Football-related disorder

(1) Section 5(2) of the Football (Disorder) Act 2000 (c. 25) (which imposes a latest date of 27th August 2007 for the making of applications for football banning orders under the Football Spectators Act 1989 (c. 37) and for the exercise of constables' powers under that Act to take summary measures) shall have no effect.

(2) Schedule 3 (which amends the provisions of the Football Spectators Act 1989 relating to football banning orders and makes other amendments consequential on the amendment of that Act by this Act) has effect.

(3) Sections 2 to 7 of the Football Spectators Act 1989 (the national membership scheme) shall cease to have effect.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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Commencement Information

I72 S. 52 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

53 Sale and disposal of tickets by unauthorised persons

(1) The Criminal Justice and Public Order Act 1994 (c. 33) is amended as follows.

(2) In section 166 (sale of tickets by unauthorised persons), for subsection (1) substitute—

"(1) It is an offence for an unauthorised person to—
(a) sell a ticket for a designated football match, or
(b) otherwise to dispose of such a ticket to another person."

(3) In subsection (2) of that section—
(a) in paragraph (a)—
(i) after "sell" insert " or otherwise dispose of ";
(ii) omit " by the home club or ";
(b) after paragraph (a) insert—
"(aa) a reference to selling a ticket includes a reference to—
(i) offering to sell a ticket;
(ii) exposing a ticket for sale;
(iii) making a ticket available for sale by another;
(iv) advertising that a ticket is available for purchase; and
(v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.";
(c) in paragraph (c), for "Part I of the Football Spectators Act 1989 or which is a regulated football match for the purposes of Part II of that Act" substitute " this section by order made by the Secretary of State ".

(4) After subsection (2) of that section insert—

"(2A) An order under subsection (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order.

(2B) The power of the Secretary of State to make an order under subsection (2)(c) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) In subsection (7) of that section, in paragraph (b), omit " the home club or ".

(6) After section 166 insert—

"**166A Supplementary provision relating to sale and disposal of tickets on internet**

(1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) If—

(a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and

(b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),

the service provider shall be guilty in England and Wales of an offence under that section.

(3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—

(a) the transmission in a communication network of information falling within subsection (4), or

(b) the storage of information provided by a recipient of the service,

except where subsection (5) applies.

(4) Information falls within this subsection if—

(a) it is provided by a recipient of the service; and

(b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.

(5) This subsection applies at any time in relation to information if—

(a) the service provider knew when that information was provided that it contained material contravening section 166; or

(b) that information is stored at that time (whether as mentioned in subsection (3)(b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.

(6) In this section—

"the Directive" means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

"information society services"—

(a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of 20 July 1998); and

(b) is summarised in recital 17 of the Directive as covering "any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service";

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"EEA State" means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;

"recipient of the service" means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

"service provider" means any person providing an information society service."

Commencement Information

I73 S. 53 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Sexual offences

54 Forfeiture and detention of vehicles etc.

Schedule 4 (which amends the Sexual Offences Act 2003 (c. 42) to restore powers of forfeiture and detention of vehicles, ships and aircraft used in relation to offences of trafficking for sexual exploitation) has effect.

Commencement Information

I74 S. 54 in force at 12.2.2007 by S.I. 2007/74, **art. 2(b)**

55 Continuity of sexual offences law

(1) This section applies where, in any proceedings—

(a) a person ("the defendant") is charged in respect of the same conduct both with an offence under the Sexual Offences Act 2003 ("the 2003 Act offence") and with an offence specified in subsection (2) ("the pre-commencement offence");

(b) the only thing preventing the defendant from being found guilty of the 2003 Act offence is the fact that it has not been proved beyond a reasonable doubt that the time when the conduct took place was after the coming into force of the enactment providing for the offence; and

(c) the only thing preventing the defendant from being found guilty of the pre-commencement offence is the fact that it has not been proved beyond a reasonable doubt that that time was before the coming into force of the repeal of the enactment providing for the offence.

(2) The offences referred to in subsection (1)(a) are—

(a) any offence under the Sexual Offences Act 1956 (c. 69);

(b) an offence under section 4 of the Vagrancy Act 1824 (c. 83) (obscene exposure);

(c) an offence under section 28 of the Town Police Clauses Act 1847 (c. 89) (indecent exposure);

(d) an offence under section 61 or 62 of the Offences against the Person Act 1861 (c. 100) (buggery etc.);

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(e) an offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients);

(f) an offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecency with children);

(g) an offence under section 4 or 5 of the Sexual Offences Act 1967 (procuring an man to commit buggery and living on the earnings of male prostitution);

(h) an offence under section 9 of the Theft Act 1968 (c. 60) (burglary, including entering premises with intent to commit rape);

(i) an offence under section 54 of the Criminal Law Act 1977 (c. 45) (incitement of girl under 16 to commit incest);

(j) an offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children);

(k) an offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust);

(l) an offence under section 145 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (traffic in prostitution).

(3) For the purpose of determining the guilt of the defendant it shall be conclusively presumed that the time when the conduct took place was—

(a) if the maximum penalty for the pre-commencement offence is less than the maximum penalty for the 2003 Act offence, a time before the coming into force of the repeal of the enactment providing for the pre-commencement offence; and

(b) in any other case, a time after the coming into force of the enactment providing for the 2003 Act offence.

(4) In subsection (3) the reference, in relation an offence, to the maximum penalty is a reference to the maximum penalty by way imprisonment or other detention that could be imposed on the defendant on conviction of the offence in the proceedings in question.

(5) A reference in this section to an offence under the Sexual Offences Act 2003 (c. 42) or to an offence specified in subsection (2) includes a reference to—

(a) inciting the commission of that offence;

(b) conspiracy to commit that offence; and

(c) attempting to commit that offence;

and, in relation to an offence falling within paragraphs (a) to (c), a reference in this section to the enactment providing for the offence so falling has effect as a reference to the enactment providing for the offence under that Act or, as the case may be, for the offence so specified.

(6) This section applies to any proceedings, whenever commenced, other than proceedings in which the defendant has been convicted or acquitted of the 2003 Act offence or the pre-commencement offence before the commencement of this section.

Commencement Information

I75 S. 55 in force at 12.2.2007 by S.I. 2007/74, **art. 2(c)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

56 Cross-border provisions relating to sexual offences

(1) The following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) extend to England and Wales and to Northern Ireland, as well as to Scotland—

(a) section 17 (which relates to the making of sexual offences prevention orders in Scotland); and

(b) section 18 and the Schedule, so far as they provide for the amendment of the Sexual Offences Act 2003 (c. 42) (see paragraph 3 of the Schedule, which relates to the offences in respect of which powers are exercisable under Part 2 of the 2003 Act).

(2) In section 128 of the Sexual Offences Act 2003 (offence of contravening a risk of sexual harm order or an interim order), after subsection (1) insert—

"(1A) In subsection (1) and, accordingly, in section 129(5) the references to a risk of sexual harm order and to an interim risk of sexual harm order include references, respectively—

(a) to an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (RSHOs in Scotland); and

(b) to an order under section 5 of that Act (interim RSHOs in Scotland);

and, for the purposes of this section, prohibitions imposed by an order made in one part of the United Kingdom apply (unless expressly confined to particular localities) throughout that and every other part of the United Kingdom."

(3) In section 129 of that Act, in subsection (1)(a) (effect of conviction under section 128), for "under section 128" substitute " mentioned in subsection (1A) "; and after subsection (1) insert—

"(1A) Those offences are—

(a) an offence under section 128 of this Act;

(b) an offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (contravention of RSHO or interim RSHO in Scotland)."

(4) Subsection (3) of section 282 of the Criminal Justice Act 2003 (c. 44) (increase of maximum sentence on summary conviction of an either way offence), so far as it applies to offences under the Sexual Offences Act 2003, applies to them as amended, extended or applied by virtue of this section.

57 Amendment of s. 82 of the Sexual Offences Act 2003

(1) In the table in section 82(1) of the Sexual Offences Act 2003 (c. 42) (notification period for persons convicted of sexual offences under requirement to notify the police about certain matters), in the entry relating to a person sentenced to imprisonment for life or for a term of 30 months or more, for "or for" substitute " , to imprisonment for public protection under section 225 of the Criminal Justice Act 2003 or to imprisonment for ".

(2) This section applies in relation to sentences passed before the passing of this Act, as well as to those passed after that.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I76 S. 57 in force at 12.2.2007 by S.I. 2007/74, **art. 2(d)**

58 Power of entry and search of relevant offender's home address

(1) Before section 97 of the Sexual Offences Act 2003 insert—

"Entry and search of home address

96B Power of entry and search of relevant offender's home address

(1) If on an application made by a senior police officer of the relevant force a justice of the peace is satisfied that the requirements in subsection (2) are met in relation to any premises, he may issue a warrant authorising a constable of that force—
  (a) to enter the premises for the purpose of assessing the risks posed by the relevant offender to which the warrant relates; and
  (b) to search the premises for that purpose.

(2) The requirements are—
  (a) that the address of each set of premises specified in the application is an address falling within subsection (3);
  (b) that the relevant offender is not one to whom subsection (4) applies;
  (c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a); and
  (d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

(3) An address falls within this subsection if—
  (a) it is the address which was last notified in accordance with this Part by a relevant offender to the police as his home address; or
  (b) there are reasonable grounds to believe that a relevant offender resides there or may regularly be found there.

(4) This subsection applies to a relevant offender if he is—
  (a) remanded in or committed to custody by order of a court;
  (b) serving a sentence of imprisonment or a term of service detention;
  (c) detained in a hospital; or
  (d) outside the United Kingdom.

(5) A warrant issued under this section must specify the one or more sets of premises to which it relates.

(6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.

(7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that

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it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).

(8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.

(9) In this section a reference to the relevant offender to whom the warrant relates is a reference to the relevant offender—

(a) who has in accordance with this Part notified the police that the premises specified in the warrant are his home address; or

(b) in respect of whom there are reasonable grounds to believe that he resides there or may regularly be found there.

(10) In this section—

"the relevant force" means the police force maintained for the police area in which the premises in respect of which the application is made or the warrant is issued are situated;

"senior police officer" means a constable of the rank of superintendent or above."

(2) In section 136 of that Act (application of Part 2 to Northern Ireland), after subsection (7) insert—

"(7A) References to a justice of the peace are to be read as references to a lay magistrate."

Commencement Information

I77 S. 58 in force at 31.5.2007 by S.I. 2007/858, **art. 3(f)**

Other

59 Limitation period for anti-social behaviour orders

(1) In section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders), after subsection (5) insert—

"(5A) Nothing in this section affects the operation of section 127 of the Magistrates' Courts Act 1980 (limitation of time in respect of informations laid or complaints made in magistrates' court)."

(2) In Article 3 of the Anti-Social Behaviour (Northern Ireland) Order 2004 (SI 2004/1988 (NI 12)) (anti-social behaviour orders), after paragraph (4) insert—

"(4A) Nothing in this Article affects the operation of Article 78 of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time in respect of complaints made in courts of summary jurisdiction)."

Commencement Information

I78 S. 59 in force at 6.4.2008 by S.I. 2008/791, **art. 3(d)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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60 Parenting orders

(1) The Crime and Disorder Act 1998 is amended as follows.

(2) In section 8 (parenting orders)—

(a) in subsections (1)(b) and (6)(a) for "sex offender order" substitute " sexual offences prevention order "; and

(b) after subsection (8) insert—

"(9) In this section "sexual offences prevention order" means an order under section 104 of the Sexual Offences Act 2003 (sexual offences prevention orders)."

(3) In section 18(1) (interpretation etc of Chapter 1 of Part 1), omit the definition of " sex offender order ".

(4) The amendments made by subsection (2) have effect in relation to court proceedings in which an order under section 104 of the Sexual Offences Act 2003 (c. 42) is made before the passing of this Act, as well as those in which such an order is made after that.

PROSPECTIVE

[F4]61 Committal of young persons of unruly character

. . . . . .

Textual Amendments

F4 S. 61 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 54**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

62 Offering or agreeing to re-programme a mobile telephone

In section 1(1) of the Mobile Telephones (Re-programming) Act 2002 (c. 31) (offence of re-programming mobile telephone etc.), omit " or " at the end of paragraph (a) and after paragraph (b) insert—

"(c) he offers or agrees to change, or interfere with the operation of, a unique device identifier, or

(d) he offers or agrees to arrange for another person to change, or interfere with the operation of, a unique device identifier."

Commencement Information

I79 S. 62 in force at 6.4.2007 by S.I. 2007/858, **art. 2(l)**

63 Removal of sports grounds etc. from private security industry regulation

In section 4 of the Private Security Industry Act 2001 (c. 12) (exemptions from licensing requirement) after subsection (5) insert—

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"(6) A relevant employee who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect.

(7) An employee for a visiting team who engages in licensable conduct shall not be guilty of an offence under section 3 in respect of that conduct if—

(a) it is carried out in connection with the use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect; and

(b) that visiting team is involved in the activities for which the ground is being used, or which the stand is being used to view.

(8) In subsection (7) a reference to a person being an employee for a visiting team is a reference to his being a relevant employee in relation to the visitors' ground, or in relation to a certified sports stand contained in the visitors' premises.

(9) In this section "a relevant employee", in relation to a certified sports ground or certified sports stand, means a person employed by—

(a) the holder of its safety certificate;

(b) a person who manages the ground or stand or occupies the premises where it is or owns an interest in those premises;

(c) a company which is in the same group as a company falling within paragraph (b).

(10) In this section a reference to the use of a certified sports ground for purposes for which the safety certificate has effect is a reference to—

(a) the use of the ground for activities specified in a general safety certificate in force in respect of the use of that ground; or

(b) the use of the ground, on an occasion specified in a special safety certificate which is so in force, for activities specified in that certificate.

(11) In this section a reference to the use of a certified sports stand for purposes for which the safety certificate has effect is a reference to—

(a) the use of the stand for viewing activities specified in a general safety certificate in force in respect of the use of that stand; or

(b) the use of the stand, on an occasion specified in a special safety certificate which is so in force, for viewing activities specified in that certificate.

(12) In this section—

"certified sports ground" means a sports ground in respect of which a safety certificate is in force;

"certified sports stand" means a sports stand in respect of which a safety certificate is in force;

"company", "holding company" and "subsidiary" have the same meanings as in section 736 of the Companies Act 1985 (c. 6);

"group", in relation to a company, means a holding company and all of its subsidiaries;

"safety certificate", "general safety certificate" and "special safety certificate"—

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(a) in relation to a sports ground, have the same meanings as in the Safety of Sports Grounds Act 1975 (see sections 1(4) and 17(1) of that Act); and

(b) in relation to a sports stand, have the same meanings as in Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (see section 26(2) and (11) of that Act);

"sports ground" has the same meaning as in that Act of 1975 (see section 17(1) of that Act);

"sports stand" means a stand within the meaning of Part 3 of that Act of 1987 (see section 26(11) of that Act);

"visiting team", in relation to a certified sports ground ("the home ground") or a certified sports stand contained in any premises ("the home premises") means a team which uses as its base, or as one of its bases, any premises which are either—

(a) a certified sports ground which is not the home ground ("the visitors' ground"); or

(b) premises which are not the home premises and which contain a certified sports stand ("the visitors' premises");

"visitors' ground" and "visitors' premises", in relation to a visiting team, have the meanings given by the previous definition."

PART 4

GENERAL

64 Expenses

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of such money under any other Act.

Commencement Information

I80 S. 64 in force at 1.10.2007 by S.I. 2007/2180, **art. 3(m)**

65 Repeals

The enactments listed in column 1 of Schedule 5 are repealed to the extent set out in column 2 of that Schedule.

Commencement Information

I81 S. 65 in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(m)**

I82 S. 65 in force for specified purposes at 1.10.2007 by S.I. 2007/2518, **art. 3(c)**

I83 S. 65 in force for specified purposes at 1.10.2007 by S.I. 2007/2180, **art. 4(e)**

I84 S. 65 in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(d)**

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66 Short title, commencement and extent

(1) This Act may be cited as the Violent Crime Reduction Act 2006.

(2) This Act, other than—

(a) this section;

(b) section 25;

(c) section 56;

(d) section 60 and the repeal in section 18(1) of the Crime and Disorder Act 1998 (c. 37); and

(e) section 63,

shall come into force on such day as the relevant national authority may by order made by statutory instrument appoint; and different days may be appointed for different purposes, including different areas.

(3) In subsection (2) "the relevant national authority"—

(a) in relation to section 45 or 46 so far as it authorises the exercise of powers in relation to pupils of schools in Wales or students at institutions in Wales that are within the further education sector, means the National Assembly for Wales; and

(b) in all other cases, means the Secretary of State.

(4) Section 49, Schedule 1, section 62 and this Part extend to the United Kingdom, except that—

(a) the amendments or repeals specified in Schedule 1 extend only so far as the enactments amended or repealed;

(b) the repeals by Schedule 5 of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32) and of the enactments amending that Act extend to England and Wales only;

(c) the repeal by that Schedule of section 141(3) of the Criminal Justice Act 1988 (c. 33) extends to England and Wales and Northern Ireland only;

(d) the other repeals specified in that Schedule extend only so far as the enactments repealed.

(5) Sections 28 to 41 and 50 extend to Great Britain only.

(6) Section 51 and Schedule 2 and section 59(2) extend to Northern Ireland only.

(7) Section 54 and Schedule 4 and sections 55 to 58 extend to England and Wales and Northern Ireland only.

(8) The other provisions of this Act extend to England and Wales only.

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SCHEDULES

SCHEDULE 1

Section 49

CONSEQUENTIAL AMENDMENTS RELATING TO MINIMUM SENTENCES

Magistrates' Courts Act 1980 (c. 43)

1 In section 24(1B) of the Magistrates' Courts Act 1980 (exceptions to summary trial for indictable offences of persons aged under 18), omit the " or " at the end of paragraph (a) and, at the end of paragraph (b), insert "or

(c) section 29(3) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence."

Commencement Information

I85 Sch. 1 para. 1 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Mental Health Act 1983 (c. 20)

2 In section 37(1A) of the Mental Health Act 1983 (provisions that do not prevent a court from ordering hospital admission), omit the " or " at the end of paragraph (b) and, at the end of paragraph (c), insert "or

(d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon),".

Commencement Information

I86 Sch. 1 para. 2 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Criminal Justice Act 1988 (c. 33)

3 (1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 36 (review of failure to impose mandatory sentence), in subsection (2)(b) omit the " or " at the end of sub-paragraph (ii) and, at the end of sub-paragraph (iii), insert "or

(iv) under section 29(4) or (6) of the Violent Crime Reduction Act 2006."

(3) In subsection (9) of that section, after paragraph (a) insert—

"(aa) the reference to section 51A(2) of the Firearms Act 1968 shall be construed as a reference to Article 70(2) of the Firearms (Northern Ireland) Order 2004;

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(ab) the reference to section 29(4) or (6) of the Violent Crime Reduction Act 2006 shall be construed as a reference to paragraph 2(4) or (5) of Schedule 2 to that Act; and".

Commencement Information
I87 Sch. 1 para. 3 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Criminal Procedure (Scotland) Act 1995 (c. 46)

4 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

(2) In section 49(3) (reference or remit to children's hearing), in the exception, for the words from "the circumstances" to "1968" substitute " section 51A of the Firearms Act 1968 or section 29 of the Violent Crime Reduction Act 2006 applies ".

(3) In section 207 (detention of young offenders)—

(a) after subsection (3) insert—

"(3A) Subsections (2) and (3) above are subject to—

(a) section 51A(2) of the Firearms Act 1968 (minimum sentences for certain firearms offences); and

(b) section 29(8) of the Violent Crime Reduction Act 2006 (minimum sentence of detention for certain offences relating to dangerous weapons).";

(b) after subsection (4A) insert—

"(4B) Subsections (4) and (4A) above apply to the forming of an opinion under the enactments mentioned in subsection (3A) above as they apply to the forming of an opinion under subsection (3) above."

(4) In section 208 (detention of children convicted on indictment), for subsection (2) substitute—

"(2) Subsection (1) above is subject to—

(a) section 51A(2) of the Firearms Act 1968 (minimum sentences for certain firearms offences); and

(b) section 29(9) of the Violent Crime Reduction Act 2006 (minimum sentence of detention for certain offences relating to dangerous weapons)."

Commencement Information
I88 Sch. 1 para. 4 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Crime and Disorder Act 1998 (c. 37)

5 In section 51A(12) of the Crime and Disorder Act 1998 (cases in which persons aged under 18 must be sent for trial to the Crown Court), omit the " or " at the end of paragraph (a) and, at the end of paragraph (b), insert "or

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(c) section 29(3) of Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence."

Commencement Information
I89 Sch. 1 para. 5 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

6 In each of —

(a) section 12(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (power to discharge defendant except in specified cases),

(b) section 130(2) of that Act (cases in which compensation orders may be made only in addition to, and not instead of, dealing with a convicted person in other ways), and

(c) section 146(2) of that Act (cases in which a driving disqualification may be imposed only in addition to, and not instead of, dealing with a convicted person in other ways),

for "or section 225, 226, 227 or 228 of the Criminal Justice Act 2003" substitute " , section 225, 226, 227 or 228 of the Criminal Justice Act 2003 or section 29(4) or (6) of the Violent Crime Reduction Act 2006 ".

Commencement Information
I90 Sch. 1 para. 6 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

7 (1) In section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention of persons under 18), in subsection (1A)(b) after "Act and" insert " for the purposes of subsection (3) of that section ".

(2) After subsection (1A) of that section insert—

"(1B) Subsection (3) below also applies where—

(a) a person aged under 18 is convicted on indictment of an offence under the Firearms Act 1968 that is listed in section 51A(1A)(b), (e) or (f) of that Act and was committed in respect of a firearm or ammunition specified in section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af) or (c) or section 5(1A)(a) of that Act;

(b) the offence was committed after the commencement of section 30 of the Violent Crime Reduction Act 2006 and for the purposes of section 51A(3) of the Firearms Act 1968 at a time when he was aged 16 or over; and

(c) the court is of the opinion mentioned in section 51A(2) of the Firearms Act 1968.

(1C) Subsection (3) below also applies where—

(a) a person aged under 18 is convicted of an offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon);

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(b) section 29(3) of that Act applies (minimum sentences in certain cases); and

(c) the court is of the opinion mentioned in section 29(6) of that Act (exceptional circumstances which justify not imposing the minimum sentence).”

(3) In subsection (5) of that section (power to impose detention where minimum sentence provisions apply), for the words from “subsection (2)” to “that term” substitute—

“(a) subsection (2) of section 51A of the Firearms Act 1968, or

(b) subsection (6) of section 29 of the Violent Crime Reduction Act 2006,

requires the imposition of a sentence of detention under this section for a term of at least the term provided for in that section, the court shall sentence the offender to be detained for such period, of at least the term so provided for ”.

Commencement Information

I91 Sch. 1 para. 7 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

8 In section 164(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (interpretation of references to certain sentences), omit the “ or ” at the end of paragraph (b) and, at the end of paragraph (c), insert “or

(d) under section 29(4) or (6) of the Violent Crime Reduction Act 2006,”.

Commencement Information

I92 Sch. 1 para. 8 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

Criminal Justice Act 2003 (c. 44)

9 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 142(2)(c) (cases in which courts not required to have regard to purposes of sentencing), after “custodial sentences)” insert “ , under section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) ”.

(3) In section 150(cases in which a community order or youth community order may not be imposed), omit the “ or ” at the end of paragraph (c) and after that paragraph insert—

“(ca) falls to be imposed under section 29(4) or (6) of the Violent Crime Reduction Act 2006 (required custodial sentence in certain cases of using someone to mind a weapon), or”.

(4) In section 152(1) (cases in which restrictions on imposing custodial sentences do not apply), for “110(2) or 111(2) of the Sentencing Act” substitute “ section 110(2) or 111(2) of the Sentencing Act, under section 29(4) or (6) of the Violent Crime Reduction Act 2006 ”.

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(5) In section 153(2) (which specifies provisions to which the rule about the length of a custodial sentence is subject), after "Sentencing Act" insert " , section 29(4) or (6) of the Violent Crime Reduction Act 2006 ".

(6) In section 174(3)(b) (cases in which there is no obligation to state the reasons for a custodial sentence), for "or under subsection (2) of section 110 or 111 of the Sentencing Act" substitute " , under subsection (2) of section 110 or 111 of the Sentencing Act or under section 29(4) or (6) of the Violent Crime Reduction Act 2006 ".

(7) In section 291(1), after paragraph (a) (power to confine the application of section 51A of the Firearms Act 1968 to persons aged 18 or over) insert—

"(aa) amend section 29(3)(a) of the Violent Crime Reduction Act 2006 by substituting for the word "16" the word " 18 ",".

(8) In section 305(4) (interpretation of references to certain sentences), after paragraph (b) insert—

"(ba) a sentence falls to be imposed under section 29(4) or (6) of the Violent Crime Reduction Act 2006 if it is required by that provision and the court is not of the opinion there mentioned,".

Commencement Information

I93 Sch. 1 para. 9 in force at 6.4.2007 by S.I. 2007/858, **art. 2(g)**

SCHEDULE 2

Section 51

WEAPONS ETC.: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

Using someone to mind a weapon

1 (1) A person is guilty of an offence if—

(a) he uses another to look after, hide or transport a dangerous weapon for him; and

(b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.

(2) For the purposes of this paragraph the cases in which a dangerous weapon is to be regarded as available to a person for an unlawful purpose include any case where—

(a) the weapon is available for him to take possession of it at a time and place; and

(b) his possession of the weapon at that time and place would constitute, or be likely to involve or to lead to, the commission by him of an offence.

(3) In this paragraph "dangerous weapon" means—

(a) a firearm other than an exempt air gun or a component part of, or accessory to, an exempt air gun; or

(b) a weapon to which section 141 of the Criminal Justice Act 1988 (c. 33) or Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI

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1996/3160 (NI 24)) applies (specified offensive weapons, knives and bladed weapons).

(4) In sub-paragraph (3)(a) "exempt air gun" means an air gun to which paragraph 9(1) of Schedule 1 of the Firearms Order applies (air guns for which firearm certificate not required).

Commencement Information
I94 Sch. 2 para. 1 in force at 6.4.2007 by S.I. 2007/858, **art. 2(j)(i)**

Penalties etc. for offence under paragraph 1

2 (1) This paragraph applies where a person ("the offender") is guilty of an offence under paragraph 1.

(2) Where the dangerous weapon in respect of which the offence was committed is a weapon to which section 141 of the Criminal Justice Act 1988 (specified offensive weapons) or Article 54 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (knives and bladed weapons) applies, the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 4 years or to a fine, or to both.

(3) Where—

(a) at the time of the offence, the offender was aged 16 or over, and

(b) the dangerous weapon in respect of which the offence was committed was a firearm mentioned in Article 3(1)(a) or 45(1)(a), (aa), (b), (c), (d), (e) or (g) or (2)(a) of the Firearms Order (firearms possession of which attracts a minimum sentence),

the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both.

(4) On a conviction where—

(a) sub-paragraph (3) applies, and

(b) the offender is aged 21 or over at the time of conviction,

the court must impose (with or without a fine) a term of imprisonment of not less than 5 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(5) On a conviction where—

(a) sub-paragraph (3) applies, and

(b) the offender is aged under 21 at the time of conviction,

the court must impose (with or without a fine) a term of detention in a young offenders centre of not less than 3 years, unless it is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(6) In any case not mentioned in sub-paragraph (2) or (3), the offender shall be liable, on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or to both.

(7) Where—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) a court is considering for the purposes of sentencing the seriousness of an offence under paragraph 1, and

(b) at the time of the offence the offender was aged 18 or over and the person used to look after, hide or transport the weapon was not,

the court must treat the fact that that person was under the age of 18 at that time as an aggravating factor (that is to say, a factor increasing the seriousness of the offence).

(8) Where a court treats a person's age as an aggravating factor in accordance with sub-paragraph (7), it must state in open court that the offence was aggravated as mentioned in that sub-paragraph.

(9) Where—

(a) an offence under paragraph 1 of using another person for a particular purpose is found to have involved that other person's having possession of a weapon, or being able to make it available, over a period of two or more days, or at some time during a period of two or more days, and

(b) on any day in that period, an age requirement was satisfied,

the question whether sub-paragraph (3) applies or (as the case may be) the question whether the offence was aggravated under this paragraph is to be determined as if the offence had been committed on that day.

(10) In sub-paragraph (9) the reference to an age requirement is a reference to either of the following—

(a) the requirement of sub-paragraph (3) that the offender was aged 16 or over at the time of the offence;

(b) the requirement of sub-paragraph (7) that the offender was aged 18 or over at that time and that the other person was not.

(11) The Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) is amended as follows—

(a) in Article 2(9), after “2004” insert “ or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006 ”;

(b) in each of —

(i) Article 4(1) (power to discharge defendant except in specified circumstances),

(ii) Article 10(1) (power to impose probation order except in specified cases),

(iii) Article 13(1) (power to impose community service order except in specified cases),

(iv) Article 15(1) (power to impose combination order except in specified circumstances),

(v) Article 19(1) (restrictions on custodial sentences except in specified circumstances),

(vi) Article 20(1) (length of custodial sentence), and

(vii) Article 24(1) (power to impose custody probation order except in specified circumstances),

after “Article 70(2) of the Firearms (Northern Ireland) Order 2004” insert “ or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006 ”.

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Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C1 Sch. 2 para. 2(4)(5) excluded by SI 1986/595 (N.I.) art. 44(1A)(b) (as inserted (15.5.2008) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216), art. 1(4), **Sch. 5 para. 5(1)**; S.R. 2008/217, art. 2, Sch. para. 18(c) (with art. 3); S.R. 2008/217, art. 2, Sch. para. 18(c) (with art. 3))

Commencement Information

I95 Sch. 2 para. 2 in force at 6.4.2007 by S.I. 2007/858, **art. 2(j)(i)**

Minimum sentence for certain firearms offences

3 (1) The Firearms Order is amended as follows.

(2) In Article 70 (which imposes minimum sentence requirements for certain offences involving the possession of various firearms), in paragraph (1)—

(a) in sub-paragraph (a)(iii) for "and" substitute " or ";

(b) after sub-paragraph (a)(iii) insert—

"(iv) an offence under any of the provisions of this Order listed in paragraph (1A) in respect of a firearm or ammunition specified in Article 3(1)(a) or Article 45(1)(a), (aa), (b), (c), (d), (e) or (g) or (2)(a), and".

(3) After paragraph (1) of that Article insert—

"(1A) The provisions are—

(a) Article 58 (possession of a firearm with intent);

(b) Article 59 (use of firearm to resist arrest);

(c) Article 60 (carrying a firearm with criminal intent);

(d) Article 61(1) (carrying a firearm in a public place);

(e) Article 62(1) (trespassing in a building with a firearm)."

(4) In Schedule 5 (prosecution and punishment of offences), in column 3, in paragraph (a) of the entries relating to Articles 61(1) and 62(1), after "Summary", in each place, insert " except if the firearm is a firearm specified in Article 3(1)(a) or Article 45(1)(a), (aa), (b), (c), (d) or (e) or (2)(a) ".

(5) This paragraph applies only to offences committed after the commencement of this paragraph.

Commencement Information

I96 Sch. 2 para. 3 in force at 6.4.2007 by S.I. 2007/858, **art. 2(j)(i)**

Manufacture, import and sale of realistic imitation firearms

4 (1) A person is guilty of an offence if—

(a) he manufactures a realistic imitation firearm;

(b) he modifies an imitation firearm so that it becomes a realistic imitation firearm;

(c) he sells a realistic imitation firearm; or

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(d) he brings a realistic imitation firearm into Northern Ireland or causes one to be brought into Northern Ireland.

(2) Sub-paragraph (1) has effect subject to the defences in paragraph 5.

[[F5](2A) The Department of Justice may by regulations—

(a) provide for exceptions and exemptions from the offence under sub-paragraph (1)(a), (b) or (c); and

(b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.**]**

(3) The Secretary of State may by regulations—

(a) provide for exceptions and exemptions from the offence under sub-paragraph **[**[F6](1)(d)**]**; and

(b) provide for it to be a defence in proceedings for such an offence to show the matters specified or described in the regulations.

(4) Regulations under sub-paragraph **[**[F7](2A) or (3)**]** may—

(a) frame any exception, exemption or defence by reference to an approval or consent given in accordance with the regulations;

(b) provide for approvals and consents to be given in relation to particular cases or in relation to such descriptions of case as may be specified or described in the regulations; and

(c) confer the function of giving approvals or consents on such persons specified or described in the regulations as**[**[F8]the Department of Justice or (as the case may be)**]** the Secretary of State thinks fit.

[[F9](4A) The power of the Department of Justice to make regulations under sub-paragraph (2A) shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.**]**

[[F9](4B) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.**]**

[[F9](4C) Regulations under sub-paragraph (2A) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).**]**

(5) The power of the Secretary of State to make regulations under sub-paragraph (3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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(7) A realistic imitation firearm brought into Northern Ireland shall be liable to forfeiture under the customs and excise Acts.

(8) In sub-paragraph (7) "the customs and excise Acts" has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).

(9) An offence under this paragraph shall be punishable, on summary conviction, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(10) In this paragraph "realistic imitation firearm" has the meaning given by paragraph 6.

Textual Amendments

F5 Sch. 2 para. 4(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 15(2)** (with arts. 28-31)

F6 Word in Sch. 2 para. 4(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 15(3)** (with arts. 28-31)

F7 Words in Sch. 2 para. 4(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 15(4)(a)** (with arts. 28-31)

F8 Words in Sch. 2 para. 4(4)(c) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 15(4)(b)** (with arts. 28-31)

F9 Sch. 2 para. 4(4A)-(4C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 15(5)** (with arts. 28-31)

Commencement Information

I97 Sch. 2 para. 4 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

5 (1) It shall be a defence for a person charged with an offence under paragraph 4 in respect of any conduct to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the purposes specified in sub-paragraph (2).

(2) Those purposes are—

(a) the purposes of a museum or gallery;

(b) the purposes of theatrical performances and of rehearsals for such performances;

(c) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 (c. 48)_see section 5B of that Act);

(d) the production of television programmes (within the meaning of the Communications Act 2003 (c. 21)_see section 405(1) of that Act);

(e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this paragraph by regulations made by the **[**[F10]appropriate authority**]**;

(f) the purposes of functions that a person has in his capacity as a person in the service of the Crown.

[[F11](2A) In sub-paragraph (2)(e) "the appropriate authority" means—

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(a) in relation to the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;

(b) in relation to the offence under paragraph 4(1)(d), the Secretary of State.**]**

(3) It shall also be a defence for a person charged with an offence under paragraph 4 in respect of conduct falling within sub-paragraph (1)(d) of that paragraph to show that the conduct—

(a) was in the course of carrying on any trade or business; and

(b) was for the purpose of making the imitation firearm in question available to be modified in a way which would result in its ceasing to be a realistic imitation firearm.

(4) For the purposes of this paragraph a person shall be taken to have shown a matter specified in sub-paragraph (1) or (3) if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and

(b) the contrary is not proved beyond a reasonable doubt.

[[F12](4A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.**]**

[[F12](4B) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.**]**

[[F12](4C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).**]**

(5) The power of the Secretary of State to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) In this paragraph—

"historical re-enactment" means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past;

"museum or gallery" includes any institution which—

(a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest; and

(b) gives the public access to it.

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Textual Amendments

F10 Words in Sch. 2 para. 5(2)(e) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 16(2)** (with arts. 28-31)

F11 Sch. 2 para. 5(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 16(3)** (with arts. 28-31)

F12 Sch. 2 para. 5(4A)-(4C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 16(4)** (with arts. 28-31)

Commencement Information

I98 Sch. 2 para. 5 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

6 (1) In paragraphs 4 and 5 "realistic imitation firearm" means an imitation firearm which—

(a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm; and

(b) is neither a de-activated firearm nor itself an antique.

(2) For the purposes of this paragraph, an imitation firearm is not (except by virtue of sub-paragraph (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only—

(a) by an expert;

(b) on a close examination; or

(c) as a result of an attempt to load or to fire it.

(3) In determining for the purposes of this paragraph whether an imitation firearm is distinguishable from a real firearm—

(a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured; and

(b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The **[**[F13]appropriate authority**]** may by regulations provide that, for the purposes of sub-paragraph (3)(b)—

(a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations; and

(b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.

[[F14](4A) In sub-paragraph (4) "the appropriate authority" means—

(a) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(a), (b) or (c), the Department of Justice;

(b) in the application of this paragraph for the purposes of the offence under paragraph 4(1)(d) or for the purposes of paragraph 4(7), the Secretary of State.**]**

[[F14](4B) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.**]**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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[[F14](4C) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.**]**

[[F14](4D) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).**]**

(5) The power of the Secretary of State to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(6) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

(7) In this paragraph—

"colour" is to be construed in accordance with sub-paragraph (9);

"de-activated firearm" means an imitation firearm that consists in something which—

(a) was a firearm; but

(b) has been so rendered incapable of discharging a shot, bullet or other missile as no longer to be a firearm;

"real firearm" means—

(a) a firearm of an actual make or model of modern firearm (whether existing or discontinued); or

(b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.

(8) In sub-paragraph (7) "modern firearm" means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870.

(9) References in this paragraph, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material.

(10) Article 2(7) of the Firearms Order (under which firearms are deemed to be deactivated if they are appropriately marked) applies for the purposes of this paragraph as it applies for the purposes of that Order.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F13 Words in Sch. 2 para. 6(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 17(2)** (with arts. 28-31)

F14 Sch. 2 para. 6(4A)-(4D) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 17(3)** (with arts. 28-31)

Commencement Information

I99 Sch. 2 para. 6 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

Specification for imitation firearms

7 **[**[F15](A1) For the purposes of sub-paragraph (2)(a) to (c), the Department of Justice may by regulations make provision requiring imitation firearms to conform to specifications which are—

(a) set out in the regulations; or

(b) approved by such persons and in such manner as may be so set out.**]**

(1) **[**[F16]For the purposes of sub-paragraph (2)(d), the**]** Secretary of State may by regulations make provision requiring imitation firearms to conform to specifications which are—

(a) set out in the regulations; or

(b) approved by such persons and in such manner as may be so set out.

(2) A person is guilty of an offence if—

(a) he manufactures an imitation firearm which does not conform to the specifications required of it by regulations under **[**[F17]sub-paragraph (A1)**]**;

(b) he modifies an imitation firearm so that it ceases to conform to the specifications so required of it;

(c) he modifies a firearm to create an imitation firearm that does not conform to the specifications so required of it; or

(d) he brings an imitation firearm which does not conform to the specifications **[**[F18]required of it by regulations under sub-paragraph (1)**]** into Northern Ireland or causes such an imitation firearm to be brought into Northern Ireland.

(3) An offence under this paragraph shall be punishable, on summary conviction, with imprisonment for a term not exceeding 6 months or with a fine not exceeding level 5 on the standard scale, or with both.

(4) Regulations under **[**[F19]sub-paragraph (A1) or (1)**]** may provide that, in proceedings for an offence under **[**[F20]sub-paragraph (2)(a) to (c) or (as the case may be) sub-paragraph (2)(d)**]**, it is to be presumed, unless the contrary is proved, that an imitation firearm conforms to the required specification if it, or the description of imitation firearms to which it belongs, has been certified as so conforming by a person who is—

(a) specified in the regulations; or

(b) determined for the purpose in accordance with provisions contained in the regulations.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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(5) An imitation firearm brought into Northern Ireland which does not conform to the specifications required of it by regulations under **[**[F21]sub-paragraph (1)**]** shall be liable to forfeiture under the customs and excise Acts.

(6) In sub-paragraph (5) "the customs and excise Acts" has the meaning given by section 1 of the Customs and Excise Management Act 1979 (c. 2).

[[F22](6A) The power of the Department of Justice to make regulations under this paragraph shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.**]**

[[F22](6B) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Department of Justice thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Department of Justice thinks fit.**]**

[[F22](6C) Regulations made by the Department of Justice under this paragraph shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).**]**

(7) The power of the Secretary of State to make regulations under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) That power includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as he thinks fit.

Textual Amendments

F15 Sch. 2 para. 7(A1) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(2)** (with arts. 28-31)

F16 Words in Sch. 2 para. 7(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(3)** (with arts. 28-31)

F17 Words in Sch. 2 para. 7(2)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(4)(a)** (with arts. 28-31)

F18 Words in Sch. 2 para. 7(2)(d) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(4)(b)** (with arts. 28-31)

F19 Words in Sch. 2 para. 7(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(5)(a)** (with arts. 28-31)

F20 Words in Sch. 2 para. 7(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(5)(b)** (with arts. 28-31)

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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F21 Words in Sch. 2 para. 7(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(6)** (with arts. 28-31)

F22 Sch. 2 para. 7(6A)-(6C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 18(7)** (with arts. 28-31)

Commencement Information

I100 Sch. 2 para. 7 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

Supplying imitation firearms to minors

8 (1) After Article 66 of the Firearms Order insert—

Supplying imitation firearms to minors

"66A(1) It is an offence for a person under the age of 18 to purchase an imitation firearm.

(2) It is an offence to sell an imitation firearm to a person under the age of 18.

(3) In proceedings for an offence under paragraph (2) it is a defence to show that the person charged with the offence—

(a) believed the other person to be aged 18 or over; and

(b) had reasonable ground for that belief."

(2) In Article 68 of that Order (defences), for "or 64" substitute " , 64 or 66A ".

(3) In Schedule 5 of that Order (punishments), after the entry for Article 66 insert—

"Article 66A(1) or (2)	Acquisition by a minor of an imitation firearm and supplying him.	Summary	6 months or level 5 or both."

Commencement Information

I101 Sch. 2 para. 8 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(i)**

Increase of maximum sentence for possessing an imitation firearm

9 (1) In the entry in Schedule 5 to the Firearms Order relating to Article 61(1) of that Order (mode of trial and punishment of possession of firearm or imitation firearm in a public place)—

(a) in paragraph (b) of column 3 (offence to be triable on indictment except in the case of an imitation firearm or air gun), omit the words " in the case of an imitation firearm or "; and

(b) in column 4, for "10 years or a fine or both" substitute " If the offence is committed in respect of an imitation firearm, 12 months or a fine, or both; in any other case, 10 years or a fine, or both. "

(2) This paragraph applies only to offences committed after the commencement of this paragraph.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I102 Sch. 2 para. 9 in force at 1.10.2007 by S.I. 2007/2518, **art. 3(b)**

Sale etc. of knives and other weapons

10 In Article 54(1) of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (NI 24)) (prohibition on sale of knives etc. to persons under 16) for "16" substitute " 18 ".

Commencement Information
I103 Sch. 2 para. 10 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(ii)**

11 (1) Section 141 of the Criminal Justice Act 1988 (c. 33) (offensive weapons) is amended as follows.

(2) In subsections (5), (8) and (9) of section 141(defences relating to museums and galleries to offence of manufacture, sale etc. of prescribed weapons), for "prove" substitute " show ".

(3) After subsection (11) of that section insert—

"(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—

(a) with an offence under subsection (1) above, or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11B) Those purposes are—

(a) the purposes of theatrical performances and of rehearsals for such performances;

(b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);

(c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).

(11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (8), (9) or (11A) above if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and

(b) the contrary is not proved beyond a reasonable doubt.

(11D) The Secretary of State may by order made by statutory instrument—

(a) provide for exceptions and exemptions from the offence under subsection (1) above or from the prohibition in subsection (4) above; and

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Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order.

(11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House."

(4) The defence in section 141(11A) is not available in relation to so much of any charge as relates to conduct taking place before the commencement of this paragraph.

Commencement Information

I104 Sch. 2 para. 11(1) in force at 1.4.2008 by S.I. 2008/791, **art. 2(c)(i)**

I105 Sch. 2 para. 11(2)(4) in force at 6.4.2008 by S.I. 2008/791, **art. 3(c)**

I106 Sch. 2 para. 11(3) in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(c)(ii)**

I107 Sch. 2 para. 11(3) in force at 6.4.2008 in so far as not already in force by S.I. 2008/791, **art. 3(c)**

Sale etc. of crossbows

12 (1) In the Crossbows (Northern Ireland) Order 1988 (SI 1988/794 (NI 5)), in the provisions mentioned in sub-paragraph (2), for "seventeen", in each place it occurs, substitute " eighteen ".

(2) The provisions are—

(a) Article 3 (sale and letting on hire);

(b) Article 4 (purchase and hiring);

(c) Article 5 (possession).

Commencement Information

I108 Sch. 2 para. 12 in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(ii)**

Amendment of police power to search schools etc. for weapons

13 In section 139B of the Criminal Justice Act 1988 (c. 33) (power of entry to search for knives etc. and offensive weapons), in subsection (1) for "believing" substitute " suspecting ".

Commencement Information

I109 Sch. 2 para. 13 in force at 31.5.2007 by S.I. 2007/858, **art. 3(e)**

Supplemental

14 (1) In this Schedule "the Firearms Order" means the Firearms (Northern Ireland) Order 2004 (SI 2004/702 (NI 3)).

(2) Expressions used in this Schedule and in the Firearms Order have the same meanings in this Schedule as in that Order.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The following provisions of the Firearms Order apply as if paragraphs 1, 2 and 4 to 7 of this Schedule were contained in that Order—

(a) Article 52 (power of search with warrant);

(b) Article 69(4) (limitation period for prosecutions);

(c) Article 72 (forfeiture and disposal of firearms and ammunition);

(d) Article 81 (savings).

(4) Article 77(3) of the Firearms Order (certain persons deemed to be in armed forces) applies for the purposes of—

(a) paragraph 5(2)(f),

(b) any rule of law under which any of the provisions of paragraph 1, 2, 4 or 7 do not bind the Crown,

as it applies for the purposes of Article 77.

Commencement Information

I110 Sch. 2 para. 14(1)(2) in force at 6.4.2007 by S.I. 2007/858, **art. 2(j)(ii)**

I111 Sch. 2 para. 14(3) in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(j)(ii)**

I112 Sch. 2 para. 14(3)(4)(b) in force in so far as not already in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(ii)**

I113 Sch. 2 para. 14(4)(a) in force at 1.10.2007 by S.I. 2007/2180, **art. 4(d)(ii)**

I114 Sch. 2 para. 14(4)(b) in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(j)(ii)**

SCHEDULE 3

Section 52

FOOTBALL BANNING ORDERS AND FOOTBALL-RELATED CONSEQUENTIAL AMENDMENTS

PART 1

FOOTBALL BANNING ORDERS

Introductory

1 The Football Spectators Act 1989 (c. 37) is amended as follows.

Commencement Information

I115 Sch. 3 para. 1 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Banning orders: bail conditions

2 (1) In section 14A (banning orders on conviction of an offence), after subsection (4B) insert—

"(4BA) If the court adjourns or further adjourns any proceedings under subsection (4A) or (4B), the court may remand the offender.

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Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4BB) A person who, by virtue of subsection (4BA), is remanded on bail may be required by the conditions of his bail—

(a) not to leave England and Wales before his appearance before the court, and

(b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.”

(2) In subsection (4C) of that section, omit “ But ” and after “a warrant” insert “ under subsection (4B) above ”.

(3) In section 14B (banning orders on a complaint), after subsection (4) insert—

“(5) If the magistrates' court adjourns proceedings on an application under this section, the court may remand the person in respect of whom the application is made.

(6) A person who, by virtue of subsection (5) above, is remanded on bail under section 128 of the Magistrates' Courts Act 1980 may be required by the conditions of his bail—

(a) not to leave England and Wales before his appearance before the court, and

(b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.”

Commencement Information

I116 Sch. 3 para. 2 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Appeals against decisions not to make banning orders

3 (1) In section 14A (banning order made on conviction for an offence), after subsection (5) insert—

“(5A) The prosecution has a right of appeal against a failure by the court to make a banning order under this section—

(a) where the failure is by a magistrates' court, to the Crown Court; and

(b) where it is by the Crown Court, to the Court of Appeal.

(5B) An appeal under subsection (5A)(b) may be brought only if the Court of Appeal gives permission or the judge who decided not to make an order grants a certificate that his decision is fit for appeal.

(5C) An order made on appeal under this section (other than one directing that an application be re-heard by the court from which the appeal was brought) is to be treated for the purposes of this Part as if it were an order of the court from which the appeal was brought.”

(2) In section 14D (appeals against banning orders made on complaint), after subsection (1) insert—

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(1A) An appeal lies to the Crown Court against the dismissal by a magistrates' court of an application for the making of a banning order under section 14B above."

(3) In subsection (2) of that section, for "the appeal" substitute " an appeal under this section ".

Commencement Information
I117 Sch. 3 para. 3 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Applications for banning orders under section 14B

4 (1) In section 14B (banning orders made on a complaint)—

(a) for subsection (1) substitute—

"(1) An application for a banning order in respect of any person may be made by—

(a) the relevant chief officer, or

(b) the Director of Public Prosecutions,

if it appears to him that the condition in subsection (2) is met.";

(b) after subsection (1) insert—

"(1A) In subsection (1) "the relevant chief officer" means—

(a) the chief officer of police of any police force maintained for a police area; or

(b) the chief constable of the British Transport Police Force."

(2) In section 21B(4) (summary measures: reference to a court), for "the chief officer of police for the area in which the person resides or appears to reside" substitute " the relevant chief officer ".

Commencement Information
I118 Sch. 3 para. 4 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Notification obligations under banning orders

5 (1) Section 14E (banning orders: general) is amended as follows.

(2) After subsection (2) insert—

"(2A) A banning order must require the person subject to the order to give notification of the events mentioned in subsection (2B) to the enforcing authority.

(2B) The events are—

(a) a change of any of his names;

(b) the first use by him after the making of the order of a name for himself that was not disclosed by him at the time of the making of the order;

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(c) a change of his home address;
(d) his acquisition of a temporary address;
(e) a change of his temporary address or his ceasing to have one;
(f) his becoming aware of the loss of his travel authorisation;
(g) receipt by him of a new travel authorisation;
(h) an appeal made by him in relation to the order;
(i) an application made by him under section 14H(2) for termination of the order;
(j) an appeal made by him under section 23(3) against the making of a declaration of relevance in respect of an offence of which he has been convicted.

(2C) A notification required by a banning order by virtue of subsection (2A) must be given before the end of the period of seven days beginning with the day on which the event in question occurs and—
(a) in the case of a change of a name or address or the acquisition of a temporary address, must specify the new name or address;
(b) in the case of a first use of a previously undisclosed name, must specify that name; and
(c) in the case of a receipt of a new travel authorisation, must give details of that travel authorisation."

(3) In subsection (3) (under which a banning order must, unless there are exceptional circumstances, impose a requirement as to the surrender of the passport of the subject) omit " , unless it appears to the court that there are exceptional circumstances, ".

(4) Omit subsection (4) (where exceptional circumstances exist court must state in open court what they are).

(5) After subsection (7) insert—

"(8) In this section—

"declaration of relevance" has the same meaning as in section 23;

"home address", in relation to any person, means the address of his sole or main residence;

"loss" includes theft or destruction;

"new" includes replacement;

"temporary address", in relation to any person, means the address (other than his home address) of a place at which he intends to reside, or has resided, for a period of at least four weeks."

(6) In relation to times before the commencement of section 39(2) of the Identity Cards Act 2006 (c. 15), the references to a travel authorisation in subsections (2B) and (2C) of section 14E of the Football Spectators Act 1989 (c. 37) shall have effect as references to a passport.

(7) Sub-paragraphs (3) and (4) apply—
(a) to a banning order made after the commencement of those sub-paragraphs; and
(b) for the purposes of any appeal falling to be determined after the commencement of those sub-paragraphs.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I119 Sch. 3 para. 5 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Duration of banning orders

6 In section 14F(5) (duration of banning orders), for "three" substitute " five " and for "two" substitute " three ".

Commencement Information
I120 Sch. 3 para. 6 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Notices during control periods

7 In section 19 (functions of enforcing authority and local police), after subsection (2E)(b) insert—

"(c) must require him to notify the enforcing authority within the time period specified in the notice of each address at which he intends to stay, or has stayed, for one night or more in a period which is the control period in relation to a regulated football match."

Commencement Information
I121 Sch. 3 para. 7 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Deemed receipt of notices and other documents

8 (1) In section 25 (service of documents), after subsection (1) insert—

"(1A) A notice or other document served in accordance with subsection (1) on a person who is the subject of a banning order is to be deemed to be received by him at the time when it is served unless he proves otherwise."

(2) In section 21(7) (service of notices under section 19), after "subsection (6) above" insert " (instead of section 25(1A)) ".

Commencement Information
I122 Sch. 3 para. 8 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

New relevant offence

9 (1) In paragraph 1 of Schedule 1 (offences), in sub-paragraphs (c), (k) and (q) after "under section" insert " 4A or ".

(2) An offence is not a relevant offence by virtue of sub-paragraph (1) if it was committed before the commencement of this paragraph.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information
I123 Sch. 3 para. 9 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

PART 2

CONSEQUENTIAL AMENDMENTS

Meaning of "spectator" in Part 1

10 For section 1(6) of the Football Spectators Act 1989 (c. 37) (definition of "authorised spectator") substitute—

"(6) A person is not to be regarded as a "spectator" in relation to a designated football match if the principal purpose of his being on the premises is to provide services in connection with the match, or to report on it."

Commencement Information
I124 Sch. 3 para. 10 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

General provisions relating to licences to admit spectators

11 In section 10(17) of that Act (licences to admit spectators: general), for ", the licensing authority or the Football Membership Authority" substitute " or the licensing authority ".

Commencement Information
I125 Sch. 3 para. 11 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Declarations of relevance

12 In section 23 of that Act (provisions about declarations of relevance), at the end insert—

"(5) In this section "declaration of relevance" means a declaration by a court for the purposes of Schedule 1 to this Act that an offence related to football matches, or that it related to one or more particular football matches."

Commencement Information
I126 Sch. 3 para. 12 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Periods relevant to football matches

13 For paragraph 4(2) of Schedule 1 to that Act (meaning of period relevant to a football match) substitute—

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"(2) For the purposes of this Schedule each of the following periods is "relevant to" a football match to which this Schedule applies—

(a) in the case of a match which takes place on the day on which it is advertised to take place, the period—

(i) beginning 24 hours before whichever is the earlier of the start of the match and the time at which it was advertised to start; and

(ii) ending 24 hours after it ends;

(b) in the case of a match which does not take place on the day on which it was advertised to take place, the period—

(i) beginning 24 hours before the time at which it was advertised to start on that day; and

(ii) ending 24 hours after that time."

Commencement Information

I127 Sch. 3 para. 13 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Amendments of other enactments

14 (1) In each of the enactments specified in sub-paragraph (2), for "declaration of relevance under" substitute " declaration of relevance, within the meaning of section 23 of ".

(2) Those provisions are—

(a) section 50(1)(h) of the Criminal Appeal Act 1968 (c. 19); and

(b) section 108(3) of the Magistrates' Courts Act 1980 (c. 43).

(3) This paragraph does not apply in relation to declarations made before the commencement of paragraph 12.

Commencement Information

I128 Sch. 3 para. 14 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

15 In section 3 of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), in subsection (2) after paragraph (fa) insert—

"(faa) where it appears to him appropriate to do so, to have the conduct of applications made by him for orders under section 14B of the Football Spectators Act 1989 (banning orders made on complaint);".

Commencement Information

I129 Sch. 3 para. 15 in force at 6.4.2007 by S.I. 2007/858, **art. 2(k)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 4

Section 54

FORFEITURE AND DETENTION OF VEHICLES ETC.

1 The Sexual Offences Act 2003 (c. 42) is amended as follows.

Commencement Information
I130 Sch. 4 para. 1 in force at 12.2.2007 by S.I. 2007/74, **art. 2(b)**

2 After section 60 (sections 57 to 59: interpretation and jurisdiction) insert—

"**60A Forfeiture of land vehicle, ship or aircraft**

(1) This section applies if a person is convicted on indictment of an offence under sections 57 to 59.

(2) The court may order the forfeiture of a land vehicle used or intended to be used in connection with the offence if the convicted person—
- (a) owned the vehicle at the time the offence was committed;
- (b) was at that time a director, secretary or manager of a company which owned the vehicle;
- (c) was at that time in possession of the vehicle under a hire-purchase agreement;
- (d) was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement; or
- (e) was driving the vehicle in the course of the commission of the offence.

(3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person—
- (a) owned the ship or aircraft at the time the offence was committed;
- (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft;
- (c) was at that time in possession of the ship or aircraft under a hire-purchase agreement;
- (d) was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement;
- (e) was at that time a charterer of the ship or aircraft; or
- (f) committed the offence while acting as captain of the ship or aircraft.

(4) But in a case to which subsection (3)(a) or (b) does not apply, forfeiture may be ordered only—
- (a) in the case of a ship, if subsection (5) or (6) applies;
- (b) in the case of an aircraft, if subsection (5) or (7) applies.

(5) This subsection applies where a person who, at the time the offence was committed, owned the ship or aircraft or was a director, secretary or manager of a company which owned it, knew or ought to have known of the intention to use it in the course of the commission of an offence under sections 57 to 59.

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) This subsection applies where a ship's gross tonnage is less than 500 tons.

(7) This subsection applies where the maximum weight at which an aircraft (which is not a hovercraft) may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.

(8) Where a person who claims to have an interest in a land vehicle, ship or aircraft applies to a court to make representations on the question of forfeiture, the court may not make an order under this section in respect of the vehicle, ship or aircraft unless the person has been given an opportunity to make representations.

60B Detention of land vehicle, ship or aircraft

(1) If a person has been arrested for an offence under sections 57 to 59, a constable or a senior immigration officer may detain a relevant vehicle, ship or aircraft—
  (a) until a decision is taken as to whether or not to charge the arrested person with that offence;
  (b) if the arrested person has been charged, until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or
  (c) if he has been charged and convicted, until the court decides whether or not to order forfeiture of the vehicle, ship or aircraft.

(2) A vehicle, ship or aircraft is a relevant vehicle, ship or aircraft, in relation to an arrested person if it is a land vehicle, ship or aircraft which the constable or officer concerned has reasonable grounds for believing could, on conviction of the arrested person for the offence for which he was arrested, be the subject of an order for forfeiture made under section 60A.

(3) A person (other than the arrested person) may apply to the court for the release of a land vehicle, ship or aircraft on the grounds that—
  (a) he owns the vehicle, ship or aircraft;
  (b) he was, immediately before the detention of the vehicle, ship or aircraft, in possession of it under a hire-purchase agreement; or
  (c) he is a charterer of the ship or aircraft.

(4) The court to which an application is made under subsection (3) may, on such security or surety being tendered as it considers satisfactory, release the vehicle, ship or aircraft on condition that it is made available to the court if—
  (a) the arrested person is convicted; and
  (b) an order for its forfeiture is made under section 60A.

(5) In this section, “court” means—
  (a) in relation to England and Wales—
    (i) if the arrested person has not been charged, or he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court;
    (ii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings;
  (b) in relation to Northern Ireland—

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(i) if the arrested person has not been charged, a magistrates' court for the county court division in which he was arrested;

(ii) if he has been charged but proceedings for the offence have not begun to be heard, a magistrates' court for the county court division in which he was charged;

(iii) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings.

(6) In this section, "senior immigration officer" means an immigration officer (appointed or employed as such under the Immigration Act 1971) not below the rank of chief immigration officer.

60C Sections 60A and 60B: interpretation

(1) In this section and sections 60A and 60B, unless the contrary intention appears—

"aircraft" includes hovercraft;

"captain" means master (of a ship) or commander (of an aircraft);

"land vehicle" means any vehicle other than a ship or aircraft;

"ship" includes every description of vessel used in navigation.

(2) In sections 60A and 60B, a reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it."

Commencement Information

I131 Sch. 4 para. 2 in force at 12.2.2007 by S.I. 2007/74, **art. 2(b)**

3 **[**[F23]In section 142(2) (provisions extending to Northern Ireland), in paragraph (a) for "to 60" substitute " to 60C ".**]**

Textual Amendments

F23 Sch. 4 para. 3 repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), **Sch. 3**; S.R. 2008/510, art. 2

Commencement Information

I132 Sch. 4 para. 3 in force at 12.2.2007 by S.I. 2007/74, **art. 2(b)**

SCHEDULE 5

Section 65

REPEALS

Commencement Information

I133 Specified repeal in force at Royal Assent, but Sch. 5 not otherwise in force at Royal Assent, see s. 66(2)(d)

I134 Sch. 5 in force for specified purposes at 6.4.2007 by S.I. 2007/858, **art. 2(n)**

I135 Sch. 5 in force for specified purposes at 1.10.2007 by S.I. 2007/2518, **art. 3(c)**

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
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I136 Sch. 5 in force for specified purposes at 1.10.2007 by S.I. 2007/2180, **art. 4(f)**
I137 Sch. 5 in force at 1.4.2008 for specified purposes by S.I. 2008/791, **art. 2(e)**

Short title and chapter	***Extent of repeal***
Firearms Act 1968 (c. 27)	In section 3(1)(a), the word "or" at the end. Section 23(4). In section 40(2), the words from "to firearms" to "therein". In section 51A(1)(a)(i), the word "or" at the end. In Part 1 of Schedule 6, the entry for section 23(4). In paragraph 7 of Part 2 of Schedule 6, the words "or (4)". In paragraph 8 of Part 2 of Schedule 6, the words "or (4)" in the second place they appear.
Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)	The whole Act.
Magistrates' Courts Act 1980 (c. 43)	In section 24(1B), the "or" at the end of paragraph (a).
Mental Health Act 1983 (c. 20)	In section 37(1A), the "or" at the end of paragraph (b).
Criminal Justice Act 1988 (c. 33)	In section 36(2)(b), the "or" at the end of sub-paragraph (ii). Section 141(3).
Football Spectators Act 1989 (c. 37)	In section 1— (a) subsection (3); (b) in subsection (4), paragraph (b) and the word "and" immediately preceding it; (c) subsections (5) and (8A). Sections 2 to 7. In section 10— (a) in subsection (8), paragraph (c) and the word "or" immediately preceding it; (b) in subsection (12), paragraph (b). In section 14A(4C), the word "But". In section 14E— (a) in subsection (3), the words ", unless it appears to the court that there are exceptional circumstances,"; (b) subsection (4). In section 19(2B)(b), the words "and the order imposes a requirement as to the surrender by him of his passport". In section 22A(1), the definition of "declaration of relevance". In Schedule 1, in paragraph 1(a), "2(1), 5(7)".

Status: *Point in time view as at 12/04/2010. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Violent Crime Reduction Act 2006 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	In section 27— (a) in subsection (4), the words "section 3 or"; (b) subsection (5).
Criminal Justice Act 1991 (c. 53)	In Schedule 11, paragraph 23.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 166— (a) in subsection (2)(a), the words "by the home club or"; (b) in subsection (7)(b), the words "the home club or". In the table in Part 3 of Schedule 8, the entry relating to offences under section 19 of the Firearms Act 1968 (c. 27).
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)	In Schedule 4, paragraph 29.
Data Protection Act 1998 (c. 29)	In Schedule 15, paragraph 9.
Crime and Disorder Act 1998 (c. 37)	In section 18(1), the definition of "sex offender order". In section 51A(12), the "or" at the end of paragraph (b).
Football (Offences and Disorder) Act 1999 (c. 21)	Section 2(3).
Access to Justice Act 1999 (c. 22)	In Schedule 13— (a) paragraph 94; (b) in paragraph 158, the words "7(7)(b) and".
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In section 164(3), the "or" at the end of paragraph (b). In Schedule 9, paragraph 60.
Football (Disorder) Act 2000 (c. 25)	Section 5(2). In Schedule 2, paragraphs 12, 13 and 20.
Football (Disorder) (Amendment) Act 2002 (c. 12)	The whole Act.
Mobile Telephones (Re-programming) Act 2002 (c. 31)	In section 1(1)(a), the word "or" at the end.
Licensing Act 2003 (c. 17)	In Schedule 6, paragraph 74.
Anti-social Behaviour Act 2003 (c. 38)	Section 37(3). In section 38, subsections (2), (4), (5)(a) to (c) and (5)(e).
Courts Act 2003 (c. 39)	In Schedule 8, the unnumbered paragraph after paragraph 200 and paragraph 331.
Criminal Justice Act 2003 (c. 44)	In section 150, the "or" at the end of paragraph (c). In Schedule 26, paragraphs 27 and 41.

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