

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Alcohol-related violence and disorder

Chapter 1: Drinking banning orders

Section 7: Supplementary provision about orders on conviction

94. *Subsection (1)* provides that on deciding whether to make a DBO following a conviction in criminal proceedings the court may consider evidence led by the prosecution and evidence led by the defence. *Subsection (2)* provides that it is immaterial whether the evidence would have been admissible in the proceedings in which the offender was convicted.
95. *Subsection (3)* provides that a DBO made following a conviction must not be made except in addition to a sentence or in addition to an order discharging the offender conditionally.
96. *Subsection (4)* provides that the court may adjourn any proceedings in relation to a DBO made following a conviction after sentencing the offender. *Subsection (5)* provides that 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. *Subsection (6)* provides that 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.
97. *Subsection (7)* provides that a DBO made following conviction in criminal proceedings takes effect on the day on which it is made or, if the person is in legal custody at that time, on the day on which the offender is released from that custody.
98. *Subsection (8)* notes that *subsection (9)* applies in respect of a DBO made on conviction in criminal proceedings against a young person. *Subsection (9)* provides that in proceedings brought against a young person (16 to 18 year old) a court will not be bound by section 49 of the Children and Young Persons Act 1933 and so will not have automatically to impose reporting restrictions. However, it states that the court will retain discretion to apply reporting restrictions under section 39 of that Act.
99. *Subsection (10)* amends the Prosecution of Offences Act 1985 to include in the functions of the Director of Public Prosecutions the ability to apply for a DBO.