



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### 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.
- (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;

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- (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.

## 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.
- (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

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(b) a prohibition contained in such an order,  
may cease to have effect.