



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 1

#### ALCOHOL-RELATED VIOLENCE AND DISORDER

### CHAPTER 3

#### OTHER PROVISIONS

#### *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

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*Status: This is the original version (as it was originally enacted).*

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- (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.”

## **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 aged 16 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;

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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;
  - (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.