



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 1

#### ALCOHOL-RELATED VIOLENCE AND DISORDER

### CHAPTER 1

#### DRINKING BANNING ORDERS

#### *Introductory*

## **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.

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*Status: This is the original version (as it was originally enacted).*

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