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STATUTORY INSTRUMENTS

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**2004 No. 316**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Penalties for Disorderly Behaviour  
(Amount of Penalty) (Amendment) Order 2004**

<i>Made</i>	- - - -	<i>10th February 2004</i>
<i>Laid before Parliament</i>		<i>13th February 2004</i>
<i>Coming into force</i>	- -	<i>5th March 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 3(1) of the Criminal Justice and Police Act 2001<sup>(1)</sup>, hereby makes the following Order:

**1.** This Order may be cited as the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2004 and shall come into force on 5th March 2004.

**2.—(1)** The Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002<sup>(2)</sup> shall be amended as follows.

(2) The entry relating to section 80 of the Explosives Act 1875<sup>(3)</sup> shall be omitted from Part II of the Schedule and inserted before the entry relating to the Fire Services Act 1947<sup>(4)</sup> in Part I of the Schedule.

(3) In Part I of the Schedule—

(a) the entry relating to the Telecommunications Act 1984<sup>(5)</sup> shall be omitted; and

(b) after the entry relating to the Public Order Act 1986<sup>(6)</sup> there shall be inserted—

(i) in the first column, the words “Section 127(2) of the Communications Act 2003 (c. 21)”;

and

(ii) in the second column, the words “Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety”.

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(1) 2001 c. 16.  
(2) S.I. 2002/1837.  
(3) 1875 c. 17.  
(4) 1947 c. 41.  
(5) 1984 c. 12.  
(6) 1986 c. 64.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Home Office  
10th February 2004

*Hazel Blears*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002 (S.I.2002/1837). The penalty for the offence of throwing fireworks in a thoroughfare under section 80 of the Explosives Act 1875 (c. 17) is raised from £40 to £80. An offence under the Telecommunications Act 1984 (c. 12) which has been repealed by the Communications Act 2003 (c. 21) is removed from the Schedule, and replaced by the new offence of using a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety, under section 127 of the 2003 Act.