



## 2011 CHAPTER 24

### **PART 4**

#### SPORT

#### CHAPTER 4

#### BANNING ORDERS IN RELATION TO REGULATED MATCHES

##### **Banning orders: making on conviction**

**41.—**(1) This section applies where a person (the “offender”) is convicted of an offence by or before a court.

(2) If the court is satisfied that—

- (a) the offence is one to which subsection (4) applies; and
- (b) there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated matches,

it must make such an order in respect of the offender.

(3) If the court is satisfied that the offence is one to which subsection (4) applies but is not satisfied as mentioned in subsection (2)(b), it must in open court state that fact and give its reasons.

(4) This subsection applies to an offence if—

- (a) the offence involved the person who committed it engaging in violence or disorder; and
- (b) the offence was committed—
  - (i) at a regulated match or while the person committing it was entering or leaving (or trying to enter or leave) the ground;

*Status: Point in time view as at 01/01/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Section 41. (See end of Document for details)*

- (ii) on a journey to or from a regulated match; or
  - (iii) otherwise, where it appears to the court from all the circumstances that the offence was motivated (wholly or partly) by a regulated match.
- (5) For the purposes of subsection (4)(b)(ii)—
- (a) a person may be regarded as having been on a journey to or from a match whether or not the person attended or intended to attend the match; and
  - (b) a person's journey includes breaks (including overnight breaks).
- (6) For the purpose of deciding whether to make a banning order the court may consider evidence led by the prosecution and the defence.
- (7) It is immaterial whether evidence led in pursuance of subsection (6) would have been admissible in the proceedings in which the offender was convicted.
- (8) A banning order may only be made—
- (a) in addition to a sentence imposed in respect of the offence to which subsection (4) applies, or
  - (b) in addition to an order discharging the offender conditionally.
- (9) A banning order may be made as mentioned in subsection (8)(b) in spite of anything in Articles 4 and 5 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) (which relate to orders discharging a person absolutely or conditionally and their effect).
- (10) A banning order under this section is to be taken to be a sentence for the purposes of any statutory provision conferring a right of appeal against a sentence.

**Commencement Information**

**II** S. 41 in operation at 1.1.2012 by S.R. 2011/370, art. 3(d)

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