



Sporting Events (Control of Alcohol etc.) Act 1985

CHAPTER 57

ARRANGEMENT OF SECTIONS

Section

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Sporting Events (Control of Alcohol etc.) Act 1985

1985 CHAPTER 57

An Act to make provision for punishing those who cause or permit intoxicating liquor to be carried on public service vehicles and railway passenger vehicles carrying passengers to or from designated sporting events or who possess intoxicating liquor on such vehicles and those who possess intoxicating liquor or certain articles capable of causing injury at designated sports grounds during the period of designated sporting events, for punishing drunkenness on such vehicles and, during the period of designated sporting events, at such grounds and, where licensed premises or premises in respect of which a club is registered (for the purposes of the Licensing Act 1964) are within designated sports grounds, to make provision for regulating the sale or supply of intoxicating liquor and for the closure of bars. [25th July 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) This section applies to a vehicle which—

- (a) is a public service vehicle or railway passenger vehicle, and
- (b) is being used for the principal purpose of carrying passengers for the whole or part of a journey to or from a designated sporting event.

Offences in connection with alcohol on coaches and trains.

(2) A person who knowingly causes or permits intoxicating liquor to be carried on a vehicle to which this section applies is guilty of an offence—

- (a) if the vehicle is a public service vehicle and he is the operator of the vehicle or the servant or agent of the operator, or
- (b) if the vehicle is a hired vehicle and he is the person to whom it is hired or the servant or agent of that person.

(3) A person who has intoxicating liquor in his possession while on a vehicle to which this section applies is guilty of an offence.

(4) A person who is drunk on a vehicle to which this section applies is guilty of an offence.

1981 c. 14. (5) In this section “public service vehicle” and “operator” have the same meaning as in the Public Passenger Vehicles Act 1981.

Offences in connection with alcohol, containers etc. at sports grounds.

2.—(1) A person who has intoxicating liquor or an article to which this section applies in his possession—

- (a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or
- (b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at that ground,

is guilty of an offence.

(2) A person who is drunk in a designated sports ground at any time during the period of a designated sporting event at that ground or is drunk while entering or trying to enter such a ground at any time during the period of a designated sporting event at that ground is guilty of an offence.

(3) This section applies to any article capable of causing injury to a person struck by it, being—

- (a) a bottle, can or other portable container (including such an article when crushed or broken) which—
 - (i) is for holding any drink, and
 - (ii) is of a kind which, when empty, is normally discarded or returned to, or left to be recovered by, the supplier, or

(b) part of an article falling within paragraph (a) above ;
but does not apply to anything that is for holding any medicinal product (within the meaning of the Medicines Act 1968).

3.—(1) Where licensed premises or registered club premises are situated within the area of a designated sports ground—

Licensing
hours within
sports
grounds.
1964 c. 26.

- (a) the permitted hours in those premises for the purposes of Part III of the Licensing Act 1964 (hours during which intoxicating liquor may be sold or supplied in the premises or consumed in or taken from the premises) shall not, subject to the provisions of any order under this section in respect of the premises, include any part of the period of any designated sporting event at the designated sports ground, and
- (b) section 63(2)(b) of that Act (intoxicating liquor ordered for consumption off the premises) shall not apply during any part of that period.

(2) Where licensed premises or registered club premises are so situated, a magistrates' court may by an order under this section provide—

- (a) that the permitted hours in the premises or any part of them shall, during so much of the period of any designated sporting event at the designated sports ground as would (apart from this section) be included in the permitted hours, include such period as may be determined under the order, and
- (b) that during the period so determined such conditions as may be specified in the order (including conditions modifying or excluding any existing conditions of the justices' licence or, as the case may be, the registration certificate) shall apply in respect of the sale or supply of intoxicating liquor in the premises ;

and the justices' licence or, as the case may be, registration certificate shall have effect accordingly.

(3) An order under this section shall not apply to any part of the premises from which designated sporting events at the designated sports ground may be directly viewed.

(4) It shall be a condition of any order under this section that there shall be in attendance at the designated sports ground throughout the period of any designated sporting event a person—

- (a) who is responsible for securing compliance with this section, being the holder of the justices' licence or a person designated by him or, in the case of registered club premises, a person designated by the club, and
- (b) written notice of whose name and current address has been given to the chief officer of police.

(5) A magistrates' court may—

- (a) vary an order under this section, either generally or in respect of a particular designated sporting event and, in the latter case, may in particular provide that the order shall not have effect in respect of that event, or
- (b) revoke the order.

(6) A magistrates' court shall not in respect of any sports ground make an order under this section in any terms, or vary the terms of such an order (otherwise than by providing for it not to have effect in respect of a particular event), unless satisfied that, having regard in particular to the arrangements made for the admission of spectators and for regulating their conduct, an order in the terms proposed is not likely to be detrimental to the orderly conduct or safety of spectators.

(7) Where an order under this section is in force in respect of any sports ground and a police officer of rank not less than inspector is of the opinion—

- (a) that the sale or supply of intoxicating liquor in pursuance of the order during the period of a particular designated sporting event is likely to be detrimental to the orderly conduct or safety of spectators at that event, and
- (b) that it is impracticable for an application to be made to a magistrates' court for the variation of the order in respect of that event,

he may give written notice to the person whose name has been given to the chief officer of police in accordance with subsection (4) above.

(8) A notice is to be treated as given to a person under subsection (7) above if it is left at—

- (a) the licensed premises or, as the case may be, the registered club premises, or
- (b) the address notified under subsection (4)(b) above.

(9) A notice under subsection (7) above may state that, with effect from the time when the notice is given, the order under this section shall, in respect of the sporting event concerned—

- (a) cease to have effect, or
- (b) have effect subject to such modifications as may be specified in the order ;

and the order shall apply accordingly.

(10) A person who sells or supplies or authorises the sale or supply of intoxicating liquor at any time that is excluded from the permitted hours by virtue of this section or in contravention of conditions imposed under this section is not guilty of an

offence under section 59(1)(a) of the Licensing Act 1964 (prohibition of sale etc. outside permitted hours) but shall be guilty of an offence under this subsection if—

- (a) he is the holder of the justices' licence or, as the case may be, an officer of the club, or
- (b) he knows or has reasonable cause to believe the sale or supply to be such a contravention.

(11) A person is not guilty of an offence under section 59(1)(b) of that Act (prohibition of consumption etc. outside permitted hours) in respect of any time which by virtue of a notice under subsection (7) above is not part of the permitted hours unless he knows or has reasonable cause to believe that the time is not part of those hours.

4.—(1) Subject to the provisions of this section, an order under section 3 of this Act in respect of any premises shall (unless sooner revoked) cease to have effect—

Supplementary provisions about orders under section 3.

- (a) on the coming into effect of a further order under that section in respect of those premises, or
- (b) on the expiration of the period of five months beginning with the day on which it comes into effect,

whichever is the sooner.

(2) An order under that section in respect of licensed premises shall cease to have effect on the transfer of the justices' licence or on the premises ceasing to be licensed premises.

(3) An order under that section in respect of registered club premises shall cease to have effect if the club ceases to be registered.

(4) Where an order under that section is in force in respect of any premises and application is made not less than twenty-eight days before the order is due to expire for renewal of the order or for a further order in respect of the premises, the first-mentioned order shall not cease to have effect by virtue of subsection (1)(b) above until the application is disposed of by the magistrates' court.

(5) Applications for or relating to orders under that section shall be made to the magistrates' court acting for the petty sessions area in which the premises are situated.

(6) There may be charged by justices' clerks—

- (a) in respect of the making (including the renewal) of an order under that section, a fee of £12.50, and

(b) in respect of the variation of such an order where application for the variation is made by the holder of the justices' licence or, as the case may be, the club, a fee of £4,

1980 c. 43. notwithstanding anything in section 137(1) of the Magistrates' Courts Act 1980 (Fees).

1964 c. 26. (7) An order under section 29 of the Licensing Act 1964 (fees chargeable in licensing matters) may provide that subsection (6) above shall have effect as if, for either or both of the amounts mentioned in that subsection, there were substituted such other amount or amounts as may be specified in the order.

(8) Section 197 of the Licensing Act 1964 (Service of notices) applies for the purposes of this Act as it applies for the purposes of that Act.

(9) The Schedule to this Act shall have effect, but subject to any provision that may be made by rules of court.

Appeals.

5.—(1) Any party to the proceedings who is aggrieved by a decision of a magistrates' court on an application for or in respect of an order under section 3 of this Act, other than an application in respect of a particular designated sporting event or particular designated sporting events, may appeal to the Crown Court on such grounds as may be specified in his notice of appeal.

(2) In the event of such an appeal, any other party to the proceedings shall be party to the appeal.

(3) The judgment of the Crown Court on any such appeal shall be final.

Closure of bars.

6.—(1) If at any time during the period of a designated sporting event at any designated sports ground it appears to a constable in uniform that the sale or supply of intoxicating liquor at any bar within the ground is detrimental to the orderly conduct or safety of spectators at that event, he may require any person having control of the bar to close it and keep it closed until the end of that period.

(2) A person who fails to comply with a requirement imposed under subsection (1) above is guilty of an offence, unless he shows that he took all reasonable steps to comply with it.

Powers of enforcement.

7.—(1) A constable may, at any time during the period of a designated sporting event at any designated sports ground, enter any part of the ground for the purpose of enforcing the provisions of this Act.

(2) A constable may search a person he has reasonable grounds to suspect is committing or has committed an offence under this Act, and may arrest such a person.

(3) A constable may stop a public service vehicle (within the meaning of section 1 of this Act) and may search such a vehicle or a railway passenger vehicle if he has reasonable grounds to suspect that an offence under that section is being or has been committed in respect of the vehicle.

8. A person guilty of an offence under this Act shall be liable on summary conviction— Penalties for offences.

- (a) in the case of an offence under section 1(2), to a fine not exceeding level 4 on the standard scale,
- (b) in the case of an offence under section 1(3), 2(1), 3(10) or 6(2), to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months or both, and
- (c) in the case of an offence under section 1(4) or 2(2), to a fine not exceeding level 2 on the standard scale.

9.—(1) The following provisions shall have effect for the interpretation of this Act. Interpretation.

(2) “ Designated sports ground ” means any place—

- (a) used (wholly or partly) for sporting events where accommodation is provided for spectators, and
- (b) for the time being designated, or of a class designated, by order made by the Secretary of State ;

and an order under this subsection may include provision for determining for the purposes of this Act the outer limit of any designated sports ground.

(3) “ Designated sporting event ”—

- (a) means a sporting event or proposed sporting event for the time being designated, or of a class designated, by order made by the Secretary of State, and
- (b) includes a designated sporting event within the meaning of Part V of the Criminal Justice (Scotland) Act 1980 ; 1980 c. 62.

and an order under this subsection may apply to events or proposed events outside Great Britain as well as those in England and Wales.

(4) The period of a designated sporting event is the period beginning two hours before the start of the event or (if earlier)

two hours before the time at which it is advertised to start and ending one hour after the end of the event, but—

- (a) where an event advertised to start at a particular time on a particular day is postponed to a later day, the period includes the period in the day on which it is advertised to take place beginning two hours before and ending one hour after that time, and
- (b) where an event advertised to start at a particular time on a particular day does not take place, the period is the period referred to in paragraph (a) above.

(5) “Registered club premises” means premises in respect of which a club is registered.

(6) This Act does not apply to any sporting event or proposed sporting event—

- (a) where all competitors are to take part otherwise than for reward, and
- (b) to which all spectators are to be admitted free of charge.

1964 c. 26.

(7) Expressions used in this Act and in the Licensing Act 1964 have the same meaning as in that Act, and section 58(2) of that Act (meaning of chief officer of police) applies for the purposes of this Act as it applies for the purposes of Part II of that Act.

(8) Any power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Amendment
of Criminal
Justice
(Scotland) Act
1980.

1980 c. 62.

10. Part V of the Criminal Justice (Scotland) Act 1980 shall be amended as follows—

- (a) in section 68(1), after paragraph (b) there shall be inserted—

“ (c) a sporting event, or a class of sporting event, taking place outside Great Britain: ”;

- (b) in section 69, after the words “public service vehicle” there shall be inserted the words “or railway passenger vehicle” and after the word “passengers” there shall be inserted the words “for the whole or part of a journey”;

- (c) in section 77, at the end of the definition of “designated” there shall be added the words “and ‘designated sporting event’ includes a sporting event designated, or of a class designated, under section 9(3)(a) of the Sporting Events (Control of Alcohol etc.) Act 1985”;
- and

(d) in section 77, after the definition of “public service vehicle” there shall be inserted the following definition—

“ ‘railway passenger vehicle’ has the same meaning as in the Licensing (Scotland) Act 1976 ”.

1976 c. 66.

11.—(1) This Act may be cited as the Sporting Events (Control of Alcohol etc.) Act 1985.

Short title-
ment and
extent.

(2) Sections 1 to 9 of and the Schedule to this Act extend to England and Wales only.

(3) This Act does not extend to Northern Ireland.

Section 4.

SCHEDULE

PROCEDURE

1. An application for or in respect of an order under section 3 of this Act shall be made by complaint to a justice of the peace acting for the petty sessions area for which the magistrates' court having jurisdiction in the matter acts.

2.—(1) A complaint for the making or variation of such an order may be made—

(a) in respect of licensed premises, by the holder of the justices' licence, and

(b) in respect of registered club premises, by the chairman or secretary of the club.

(2) The justice of the peace to whom the complaint is so made shall issue—

(a) a summons directed to the chief officer of police, and

(b) a summons directed to the local authority,
and each summons shall require the person to whom it is directed to appear before the magistrates' court to show why the order should not be made or, as the case may be, varied.

(3) A summons directed to a local authority under this paragraph shall not have effect (and accordingly the local authority shall not be party to the proceedings) unless there is in force in respect of the sports ground concerned a certificate under the Safety of Sports Grounds Act 1975.

1975 c. 52.

(4) A copy of any order made on a complaint made by any of the persons mentioned in sub-paragraph (1) above shall be sent to the chief officer of police and (where the local authority are party to the proceedings) to the local authority.

3.—(1) A complaint for the variation or revocation of such an order may be made—

(a) by the chief officer of police, or

(b) where such a certificate is in force in respect of the sports ground concerned, by the local authority.

(2) The justice of the peace to whom the complaint is so made shall issue a summons directed to the holder of the justices' licence or, in the case of registered club premises, to the chairman or secretary of the club requiring him to appear before the magistrates' court to show cause why the order should not be varied or revoked.

(3) A copy of any order made on a complaint made by any of the persons mentioned in sub-paragraph (1) above shall be sent to the holder of the justices' licence or, as the case may be, to the chairman or secretary of the club.

4. Where a complaint is made for a new order under section 3 of this Act—

(a) there shall be delivered to the justice of the peace at the time the complaint is made a plan of the sports ground

showing the premises within that ground where intoxicating liquor would be sold or supplied in pursuance of the proposed order, and

- (b) the hearing shall not take place before the end of the period of 28 days beginning with the day on which the complaint is made.

5. On any complaint made to a magistrates' court for or in respect of an order under section 3 of this Act, or appeal to the Crown Court in respect of such a complaint, to which a club is a party, the club, if not represented by counsel or a solicitor, shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any officer of the club duly authorised.

6. In this Schedule, "local authority" has the same meaning as in the Safety of Sports Grounds Act 1975.

1975 c. 52.

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