Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART V

PUBLIC ORDER: COLLECTIVE TRESPASS OR NUISANCE ON LAND

Powers in relation to raves

63 Powers to remove persons attending or preparing for a rave

(1) This section applies to a gathering on land in the open air of 100 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose—

(a) such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and

(b) "music" includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.

(2) If, as respects any land in the open air, a police officer of at least the rank of superintendent reasonably believes that—

(a) two or more persons are making preparations for the holding there of a gathering to which this section applies,

(b) ten or more persons are waiting for such a gathering to begin there, or

(c) ten or more persons are attending such a gathering which is in progress,

he may give a direction that those persons and any other persons who come to prepare or wait for or to attend the gathering are to leave the land and remove any vehicles or other property which they have with them on the land.

(3) A direction under subsection (2) above, if not communicated to the persons referred to in subsection (2) by the police officer giving the direction, may be communicated to them by any constable at the scene.

(4) Persons shall be treated as having had a direction under subsection (2) above communicated to them if reasonable steps have been taken to bring it to their attention.

(5) A direction under subsection (2) above does not apply to an exempt person.

(6) If a person knowing that a direction has been given which applies to him—

(a) fails to leave the land as soon as reasonably practicable, or

(b) having left again enters the land within the period of 7 days beginning with the day on which the direction was given,

he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale, or both.

(7) In proceedings for an offence under this section it is a defence for the accused to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or, as the case may be, for again entering the land.

(8) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.

(9) This section does not apply—

(a) in England and Wales, to a gathering licensed by an entertainment licence; or

(b) in Scotland, to a gathering in premises which, by virtue of section 41 of the Civic Government (Scotland) Act 1982, are licensed to be used as a place of public entertainment.

(10) In this section—

"entertainment licence" means a licence granted by a local authority under—

(a) Schedule 12 to the London Government Act 1963;

(b) section 3 of the Private Places of Entertainment (Licensing) Act 1967; or

(c) Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;

"exempt person", in relation to land (or any gathering on land), means the occupier, any member of his family and any employee or agent of his and any person whose home is situated on the land;

"land in the open air" includes a place partly open to the air;

"local authority" means—

(a) in Greater London, a London borough council or the Common Council of the City of London;

(b) in England outside Greater London, a district council or the council of the Isles of Scilly;

(c) in Wales, a county council or county borough council; and

"occupier", "trespasser" and "vehicle" have the same meaning as in section 61.

(11) Until 1st April 1996, in this section "local authority" means, in Wales, a district council.

64 Supplementary powers of entry and seizure

(1) If a police officer of at least the rank of superintendent reasonably believes that circumstances exist in relation to any land which would justify the giving of a direction under section 63 in relation to a gathering to which that section applies he may authorise any constable to enter the land for any of the purposes specified in subsection (2) below.

(2) Those purposes are—

(a) to ascertain whether such circumstances exist; and

(b) to exercise any power conferred on a constable by section 63 or subsection (4) below.

(3) A constable who is so authorised to enter land for any purpose may enter the land without a warrant.

(4) If a direction has been given under section 63 and a constable reasonably suspects that any person to whom the direction applies has, without reasonable excuse—

(a) failed to remove any vehicle or sound equipment on the land which appears to the constable to belong to him or to be in his possession or under his control; or

(b) entered the land as a trespasser with a vehicle or sound equipment within the period of 7 days beginning with the day on which the direction was given,

the constable may seize and remove that vehicle or sound equipment.

(5) Subsection (4) above does not authorise the seizure of any vehicle or sound equipment of an exempt person.

(6) In this section—

"exempt person" has the same meaning as in section 63;

"sound equipment" means equipment designed or adapted for amplifying music and any equipment suitable for use in connection with such equipment, and "music" has the same meaning as in section 63; and

"vehicle" has the same meaning as in section 61.

65 Raves: power to stop persons from proceeding

(1) If a constable in uniform reasonably believes that a person is on his way to a gathering to which section 63 applies in relation to which a direction under section 63(2) is in force, he may, subject to subsections (2) and (3) below—

(a) stop that person, and

(b) direct him not to proceed in the direction of the gathering.

(2) The power conferred by subsection (1) above may only be exercised at a place within 5 miles of the boundary of the site of the gathering.

(3) No direction may be given under subsection (1) above to an exempt person.

(4) If a person knowing that a direction under subsection (1) above has been given to him fails to comply with that direction, he commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.

(6) In this section, "exempt person" has the same meaning as in section 63.

66 Power of court to forfeit sound equipment

(1) Where a person is convicted of an offence under section 63 in relation to a gathering to which that section applies and the court is satisfied that any sound equipment which has been seized from him under section 64(4), or which was in his possession or under his control at the relevant time, has been used at the gathering the court may make an order for forfeiture under this subsection in respect of that property.

(2) The court may make an order under subsection (1) above whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restrictions on forfeiture in any enactment.

(3) In considering whether to make an order under subsection (1) above in respect of any property a court shall have regard—

(a) to the value of the property; and

(b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making).

(4) An order under subsection (1) above shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.

(5) Except in a case to which subsection (6) below applies, where any property has been forfeited under subsection (1) above, a magistrates' court may, on application by a claimant of the property, other than the offender from whom it was forfeited under subsection (1) above, make an order for delivery of the property to the applicant if it appears to the court that he is the owner of the property.

(6) In a case where forfeiture under subsection (1) above has been by order of a Scottish court, a claimant such as is mentioned in subsection (5) above may, in such manner as may be prescribed by act of adjournal, apply to that court for an order for the return of the property in question.

(7) No application shall be made under subsection (5), or by virtue of subsection (6), above by any claimant of the property after the expiration of 6 months from the date on which an order under subsection (1) above was made in respect of the property.

(8) No such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used at a gathering to which section 63 applies.

(9) An order under subsection (5), or by virtue of subsection (6), above shall not affect the right of any person to take, within the period of 6 months from the date of an order under subsection (5), or as the case may be by virtue of subsection (6), above, proceedings for the recovery of the property from the person in possession of it in pursuance of the order, but on the expiration of that period the right shall cease.

(10) The Secretary of State may make regulations for the disposal of property, and for the application of the proceeds of sale of property, forfeited under subsection (1) above where no application by a claimant of the property under subsection (5), or by virtue of subsection (6), above has been made within the period specified in subsection (7) above or no such application has succeeded.

(11) The regulations may also provide for the investment of money and for the audit of accounts.

(12) The power to make regulations under subsection (10) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) In this section—

"relevant time", in relation to a person—

(a) convicted in England and Wales of an offence under section 63, means the time of his arrest for the offence or of the issue of a summons in respect of it;

(b) so convicted in Scotland, means the time of his arrest for, or of his being cited as an accused in respect of, the offence;

"sound equipment" has the same meaning as in section 64.