



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART V

PUBLIC ORDER: [F1]UNAUTHORISED ENCAMPMENTS AND] COLLECTIVE TRESPASS OR NUISANCE ON LAND

Powers in relation to raves

63 Powers to remove persons attending or preparing for a rave. E+W

- (1) This section applies to a gathering on land in the open air of [F2]20 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.

[F3](1A) This section also applies to a gathering if—

- (a) it is a gathering on land of 20 or more persons who are trespassing on the land; and
 - (b) it would be a gathering of a kind mentioned in subsection (1) above if it took place on land in the open air.]
- (2) If, as respects any land F4. . . , 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,

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 63 is up to date with all changes known to be in force on or before 04 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 [^{F5}subsection (6) above] 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.
- [^{F6}(7A) A person commits an offence if—
 - (a) he knows that a direction under subsection (2) above has been given which applies to him, and
 - (b) he makes preparations for or attends a gathering to which this section applies within the period of 24 hours starting when the direction was given.
- (7B) A person guilty of an offence under subsection (7A) above 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.]
- (8) ^{F7}.....
- (9) This section does not apply—
 - [^{F8}(a) in England and Wales, to a gathering in relation to a licensable activity within section 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of section 136 of that Act;]
 - (b) in Scotland, to a gathering in premises which, by virtue of section 41 of the ^{M1}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 ^{M2}London Government Act 1963;
 - (b) section 3 of the ^{M3}Private Places of Entertainment (Licensing) Act 1967; or
 - (c) Schedule 1 to the ^{M4}Local Government (Miscellaneous Provisions) Act 1982;

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“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.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F2** Word in s. 63(1) substituted (E.W.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(2), 93; S.I. 2003/3300, art. 2(e)(ii)
- F3** S. 63(1A) inserted (E.W.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(3), 93; S.I. 2003/3300, art. 2(e)(ii)
- F4** Words in s. 63(2) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(4), 92, 93, Sch. 3; S.I. 2003/3300, art. 2(e)(iii)(g)(ii)
- F5** Words in s. 63(7) substituted (E.W.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(5), 93; S.I. 2003/3300, art. 2(e)(ii)
- F6** S. 63(7A)(7B) inserted (E.W.) (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(6), 93; S.I. 2003/3300, art. 2(e)(ii)
- F7** S. 63(8) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, Sch. 7 para. 31(4), Sch. 17; S.I. 2005/3495, art. 2(1)(u)(xxvi) (subject to art. 2)
- F8** S. 63(9)(a) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, Sch. 6 para. 111 (with s. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Marginal Citations

- M1** 1982 c. 45.
- M2** 1963 c. 33.
- M3** 1967 c. 19.
- M4** 1982 c. 30.

63 Powers to remove persons attending or preparing for a rave. **S**

- (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—

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- (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 ^{F4}. . . , 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—
 - [^{F8}(a) in England and Wales, to a gathering in relation to a licensable activity within section 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of section 136 of that Act;]
 - (b) in Scotland, to a gathering in premises which, by virtue of section 41 of the ^{M1}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 ^{M2}London Government Act 1963;

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- (b) section 3 of the ^{M3}Private Places of Entertainment (Licensing) Act 1967; or
- (c) Schedule 1 to the ^{M4}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.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F4** Words in s. 63(2) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 58(4), 92, 93, Sch. 3; S.I. 2003/3300, art. 2(e)(iii)(g)(ii)
- F8** S. 63(9)(a) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, Sch. 6 para. 111 (with s. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

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Changes and effects yet to be applied to :

- s. 63(6) words substituted by [2003 c. 44 Sch. 26 para. 45\(6\)](#)
- s. 63(7B) words substituted by [2003 c. 44 Sch. 26 para. 45\(6\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)