



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 1

#### ON THE SPOT PENALTIES FOR DISORDERLY BEHAVIOUR

#### *Offences to which this Chapter applies*

### 1 Offences leading to penalties on the spot

- (1) For the purposes of this Chapter “penalty offence” means an offence committed under any of the provisions mentioned in the first column of the following Table and described, in general terms, in the second column:

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 12 of the Licensing Act 1872 (c.94)	Being drunk in a highway, other public place or licensed premises
Section 80 of the Explosives Act 1875 (c.17)	Throwing fireworks in a thoroughfare
F1	F1
...	...
[ <sup>F2</sup> Section 2(1) of the Parks Regulation (Amendment) Act 1926 so far as it creates an offence against the Parks Regulation Act 1872 relating to any of the following provisions of the	Failing to comply with, or contravening, those Regulations by—

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Royal Parks and Other Open Spaces  
 Regulations 1997 (S.I. 1997/1639)—

(a) regulation 3(3)	dropping or leaving litter or refuse except in a receptacle provided for the purpose
(b) regulation 3(4)	using a pedal cycle, a roller blade etc except on a Park road or in a designated area
(c) regulation 3(6)	failing to remove immediately any faeces deposited by an animal of which that person is in charge]
Section 55 of the British Transport Commission Act 1949 (c.xxix)	Trespassing on a railway
Section 56 of the British Transport Commission Act 1949 (c.xxix)	Throwing stones etc. at trains or other things on railways
[ <sup>F3</sup> Section 169A of the Licensing Act 1964 (c. 26)	Sale of alcohol to a person under 18]
[ <sup>F4</sup> Section 169C(1) of the Licensing Act 1964 (c. 26)	Buying or attempting to buy alcohol by a person under 18]
Section [ <sup>F5</sup> 169C(2) <sub>F6</sub>	Buying or attempting to buy alcohol for
. . . ] of the Licensing Act 1964 (c.26)	. . . a person under 18
[ <sup>F8</sup> Section 169E of the Licensing Act 1964 (c. 26)	Consumption of alcohol by a person under 18 or allowing such consumption]
[ <sup>F9</sup> Section 169F of the Licensing Act 1964 (c. 26)	Delivery of alcohol to a person under 18 or allowing such delivery]
[ <sup>F10</sup> Section 172(3) of the Licensing Act 1964 (c. 26)	Selling alcohol to a drunken person]
Section 91 of the Criminal Justice Act 1967 (c.80)	Disorderly behaviour while drunk in a public place
Section 5(2) of the Criminal Law Act 1967 (c.58)	Wasting police time or giving false report
[ <sup>F11</sup> Section 1 of the Theft Act 1968 (c. 60)	Theft]
[ <sup>F12</sup> Section 1(1) of the Criminal Damage Act 1971 (c. 48)	Destroying or damaging property]
[ <sup>F13</sup> Section 5(2) of the Misuse of Drugs Act 1971 so far as relating to the following-	Possession of cannabis etc]

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- (a) cannabinal,
- (b) cannabinal derivatives (within the meaning of Part 4 of Schedule 2 to that Act),
- (c) cannabis or cannabis resin (within the meaning of that Act),
- (d) any stereoisomeric form of a substance specified in any of paragraphs (a) to (c),
- (e) any ester or ether of a substance specified in paragraph (a) or (b),
- (f) any salt of a substance specified in paragraphs (a) to (e),
- (g) any preparation or other product containing a substance or product specified in any of paragraphs (a) to (f), not being a preparation falling within paragraph 6 of Part 1 of Schedule 2 to that Act.

[<sup>F14</sup>Section 43(1)(b) of the Telecommunications Act 1984 (c.12)]

[<sup>F14</sup>Using public telecommunications system for sending message known to be false in order to cause annoyance]

[<sup>F15</sup>Section 5 of the Public Order Act 1986 (c.64)]

Behaviour likely to cause harassment, alarm or distress]

[<sup>F16</sup>Section 87 of the Environmental Protection Act 1990 (c. 43)]

Depositing and leaving litter]

Section 12 of this Act

Consumption of alcohol in designated public place

[<sup>F17</sup>Section 127(2) of the Communications Act 2003]

Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety]

[<sup>F18</sup>Section 11 of the Fireworks Act 2003 (c. 22)]

Contravention of a prohibition or failure to comply with a requirement imposed by or under fireworks regulations or making false statements]

[<sup>F19</sup>Section 49 of the Fire and Rescue Services Act 2004 (c. 21)]

Knowingly giving a false alarm of fire]

[<sup>F20</sup>Section 149(4) of the Licensing Act 2003]

Buying or attempting to buy alcohol for consumption on licensed premises, etc. by child]

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- (2) The Secretary of State may by order amend an entry in the Table or add or remove an entry.
  - (3) An order under subsection (2) may make such amendment of any provision of this Chapter as the Secretary of State considers appropriate in consequence of any change in the Table made by the order.
  - (4) The power conferred by subsection (2) is exercisable by statutory instrument.

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- (5) No order shall be made under subsection (2) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

### Textual Amendments

- F1** S. 1(1) table: entry repealed (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 54, Sch. 1 para. 97(2), [Sch. 2](#); S.I. 2004/2304, [art. 2](#) (subject to art. 3); S.I. 2004/2917, [art. 2](#)
- F2** Words in s. 1(1) table inserted (1.7.2012) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2012 \(S.I. 2012/1430\)](#), arts. 1(2), [2](#)
- F3** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(2\)](#)
- F4** S. 1(1) table: entry inserted (4.4.2005) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2005 \(S.I. 2005/1090\)](#), [art. 2\(2\)](#)
- F5** S. 1(1) table: words in entry substituted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(3\)\(a\)](#)
- F6** S. 1(1) table: entry relating to s. 169C(3) of Licensing Act 1964 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)
- F7** S. 1(1) table: words in entry omitted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(3\)\(b\)](#)
- F8** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(4\)](#)
- F9** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(4\)](#)
- F10** S. 1(1) table: entry inserted (4.4.2005) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2005 \(S.I. 2005/1090\)](#), [art. 2\(3\)](#)
- F11** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(5\)](#)
- F12** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(5\)](#)
- F13** Words in s. 1(1) inserted (28.1.2009) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2009 \(S.I. 2009/110\)](#), arts. 1(2), [2](#)
- F14** S. 1(1) table: entry repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 19\(1\)](#) (with Sch. 18); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(2\)](#) (with art. 11)
- F15** S. 1(1) table: entry inserted (22.7.2002) by [The Criminal Justice and Police Act 2001 \(Amendment\) Order 2002 \(S.I. 2002/1934\)](#), [art. 2](#)
- F16** S. 1(1) table: entry inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), [2\(6\)](#)
- F17** S. 1(1) table: entry in table inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 169](#) (with Sch. 18); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(2\)](#) (with art. 11)
- F18** S. 1(1) table: entry inserted (11.10.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(3), [2\(7\)](#)
- F19** S. 1(1) table: entry added (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, Sch. 1 para. 97(3); S.I. 2004/2304, [art. 2](#) (subject to art. 3); S.I. 2004/2917, [art. 2](#)
- F20** S. 1(1) table: entry inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201, [Sch. 6 para. 120](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

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#### **Commencement Information**

- II** S. 1 wholly in force at 12.8.2002; s. 1 not in force at Royal Assent see s. 138; s. 1 in force for certain purposes at 1.3.2002 by [S.I. 2002/344](#), [art. 2](#); s. 1 in force at 12.8.2002 in so far as not already in force by [S.I. 2002/2050](#), [art. 2](#)

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