

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Alcohol-related violence and disorder

Chapter 1: Drinking banning orders

Section 2: Duration of drinking banning orders

76. This section provides for the duration of a DBO and enables this to be reduced if an individual satisfactorily completes an approved course specified in the order to address their alcohol misuse behaviour.
77. *Subsection (1)* provides that the term of a DBO, known as “the specified period”, is to be between a minimum 2 months and a maximum two years. *Subsection (2)* enables different prohibitions within a DBO to take effect for different periods but in each case the “prohibition period” must be within the overall maximum and minimum specified period.
78. *Subsection (3)* provides that the terms of a DBO or the prohibitions in an order **may** cease to apply before the end of the specified period or the prohibition period if an individual successfully completes an approved course that is specified in the order.
79. *Subsection (4)* explains that under subsection (3) a time must be fixed by the court when an order, or prohibition contained in the order, would cease to have effect upon satisfactory completion by the individual of a course. It will be for the court to decide what the appropriate length of the reduction of the order, or prohibitions therein, might be on satisfactory completion of a course.
80. *Subsection (5)* provides that the reduction cannot be any more than half of the specified period or the prohibition period.
81. *Subsection (6)* provides that the court may only propose to an individual that they attend a specified approved course if the court is satisfied that a place is available for the individual and that the subject has voluntarily agreed to the inclusion of the provision in the order.
82. *Subsection (7)* provides that before the court makes provision about attending a course in the order the individual has to be informed in ordinary language (in writing or by other means) about the effect that including the provision in the order would have, what in general terms, attendance on the course will involve if the individual voluntarily agrees to undertake the course, any fees that would need to be paid by the individual for undertaking the course, and when the fees would need to be paid by the individual.
83. *Subsection (8)* requires that if the court decides it is not going to include provision in an order for an individual to attend an approved course then it must give its reasons for not doing so in open court.

*These notes refer to the Violent Crime Reduction Act 2006
(c.38) which received Royal Assent on 8 November 2006*

84. *Subsection (9)* allows the Secretary of State to make regulations to modify the minimum duration of an order or prohibition where a course has been completed satisfactorily.