

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Alcohol-related violence and disorder

Chapter 1: Drinking banning orders

Section 3: Orders on an application to magistrates' court

85. *Subsection (1)* enables relevant authorities, defined in section 14 as the chief officer of a police force for a police area, the Chief Constable of the British Transport Police Force and a local authority, to apply to the magistrates' court for the imposition of a DBO on an individual aged at least 16. *Subsections (2) and (5)* provide that a DBO can be made against an individual if he has engaged in criminal or disorderly conduct while under the influence of alcohol and such an order is necessary to protect other persons from further conduct by him of that kind. The criminal or disorderly conduct must have taken place after this section has been brought into force.
86. *Subsections (3) and (4)* provide that the application for a DBO has to be made by complaint and can only be made after the applicant has consulted the "appropriate persons" specified in section 14(1).
87. *Subsection (6)* provides that nothing in the section affects the operation of section 127 of the Magistrates' Courts Act 1980. Consequently, some conduct within the six-month period preceding the application is necessary to obtain an order.