



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 1

ALCOHOL-RELATED VIOLENCE AND DISORDER

CHAPTER 1

DRINKING BANNING ORDERS

Orders made on conviction

7 Supplementary provision about orders on conviction

- (1) For the purpose of deciding whether to make a drinking banning order under section 6 the court may consider evidence led by the prosecution and evidence led by the defence.
- (2) It is immaterial whether the evidence would have been admissible in the proceedings in which the offender was convicted.
- (3) A drinking banning order under section 6 must not be made except—
 - (a) in addition to a sentence imposed in respect of the offence; or
 - (b) in addition to an order discharging the offender conditionally.
- (4) The court may adjourn any proceedings in relation to a drinking banning order under section 6 even after sentencing the offender.
- (5) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.
- (6) But the court may not issue a warrant for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.
- (7) A drinking banning order under section 6 takes effect on—

Status: This is the original version (as it was originally enacted).

- (a) the day on which it is made; or
 - (b) if on that day the offender is detained in legal custody, the day on which he is released from that custody.
- (8) Subsection (9) applies in relation to proceedings in which a drinking banning order is made under section 6 against a young person.
- (9) In so far as the proceedings relate to the making of the order—
- (a) section 49 of the Children and Young Persons Act 1933 (c. 12) (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the young person against whom the order is made; and
 - (b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.
- (10) In section 3(2)(fa) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director), after the first occurrence of “conviction of certain offences)” insert “, section 6 of the Violent Crime Reduction Act 2006 (orders on conviction in criminal proceedings)”.
- (11) In this section and section 6 “the court” in relation to an offender means—
- (a) the court by or before which he is convicted of the offence; or
 - (b) if he is committed to the Crown Court to be dealt with for the offence, the Crown Court.