

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 8 – Miscellaneous **Chapter 2 – Other**

Football spectators

Section 105 Enforcement of 1989 Act in Scotland and Northern Ireland

569. Subsection (1) provides that the following offences under the 1989 Act extend to Scotland and to Northern Ireland:
- failure to comply with a requirement imposed by a banning order or the requirements of a notice issued by the English and Welsh enforcing authority;
 - failing, without reasonable excuse, to comply with a requirement imposed by police on a person reporting initially at a police station specified by the banning order;
 - providing the English and Welsh enforcing authority or police with what is known to be false information in connection with an application to the authority for an exemption from their reporting instructions.
570. Subsection (2) provides a defence in Scotland of reasonable excuse for failing to comply with a requirement of a banning order or notice issued by the English and Welsh enforcing authority. The 1989 Act does not provide a statutory defence in England and Wales for failing to comply with a requirement of a banning order or notice issued by the English and Welsh enforcing authority. However section 68(2) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 provides a defence in Scotland of reasonable excuse for failing to comply with a requirement of a banning order or notice issued by the Scottish enforcing authority. For consistency in the treatment of breaches of banning order requirements within Scotland, a statutory defence is provided.
571. Subsections (3), (4) and (5) set out the maximum penalties for the offences described in subsection (1). A person guilty of an offence by virtue of subsection (1)(a) is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (currently £5,000) (or both). A person guilty of an offence by virtue of subsection (1)(b) is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500). A person guilty of an offence by virtue of subsection (1)(c) is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).