

2004 No. 2468

CRIMINAL LAW, ENGLAND AND WALES

**The Penalties for Disorderly Behaviour (Amount of Penalty)
(Amendment No.2) Order 2004**

Made - - - - - *20th September 2004*

Laid before Parliament *20th September 2004*

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred upon him by section 3(1) of the Criminal Justice and Police Act 2001^(a) hereby makes the following Order:

1.—(1) This Order may be cited as the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment No.2) Order 2004 and shall come into force—

- (a) for the purposes of the entry relating to section 11 of the Fireworks Act 2003^(b) in Part 1 of the Schedule, as substituted by article 2(b) of this Order, on 11th October 2004; and
- (b) for all other purposes on 1st November 2004.

(2) In this Order “the 2002 Order” means the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002^(c).

2. The 2002 Order is amended as follows—

- (a) in article 2(b) of the 2002 Order, for “£40” there is substituted “£50”; and
- (b) for the Schedule to the 2002 Order there is substituted the Schedule to this Order.

Home Office
20th September 2004

Hazel Blears
Minister of State

^(a) 2001 c.16.

^(b) 2003 c.22.

^(c) S.I. 2002/1837. Relevant amending instruments are S.I. 2003/2155 and S.I. 2004/316.

SCHEDULE

Article 2

PART I

OFFENCES ATTRACTING £80 PENALTY

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 80 of the Explosives Act 1875 (c.17)(a)	Throwing fireworks in a thoroughfare
Section 31 of the Fire Services Act 1947 (c.41)(b)	Knowingly giving a false alarm to a fire brigade
Section 169A of the Licensing Act 1964 (c.26)	Sale of alcohol to a person under 18
Section 169C(2) and (3) of the Licensing Act 1964 (c.26)	Buying or attempting to buy alcohol for a person under 18
Section 169F of the Licensing Act 1964 (c.26)	Delivery of alcohol to a person under 18 or allowing such delivery
Section 5(2) of the Criminal Law Act 1967 (c.58)	Wasting police time or giving false report
Section 91 of the Criminal Justice Act 1967 (c.80)	Disorderly behaviour while drunk in a public place
Section 1 of the Theft Act 1968 (c.60)	Theft
Section 1(1) of the Criminal Damage Act 1971 (c.48)	Destroying or damaging property
Section 5 of the Public Order Act 1986 (c.64)	Behaviour likely to cause harassment, alarm or distress
Section 127(2) of the Communications Act 2003 (c.21)	Using a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety
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
Section 49 of the Fire and Rescue Services Act 2004 (c.21)(c)	Knowingly giving a false alarm to a person acting on behalf of a fire and rescue authority

PART II

OFFENCES ATTRACTING £50 PENALTY

<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 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
Section 168E of the Licensing Act 1964 (c.26)	Consumption of alcohol by a person under 18 or allowing such consumption
Section 87 of the Environmental Protection Act 1990 (c.43)	Depositing and leaving litter
Section 12 of the Criminal Justice and Police Act 2001 (c.16)	Consumption of alcohol in designated public place

(a) Prospectively repealed by section 15 of the Fireworks Act 2003 from a date to be appointed.

(b) Repealed in relation to England from 1st October 2004. (See S.I. 2004/2304).

(c) Commenced in relation to England from 1st October 2004. (See S.I. 2004/2304).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002 (S.I. 2002/1837). It raises the lower penalty amount from £40 to £50, and substitutes the Schedule to reflect the creation of new penalty offences.

STATUTORY INSTRUMENTS

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