

2004 No. 3167

CRIMINAL LAW (ENGLAND AND WALES)

**The Penalties for Disorderly Behaviour (Amount of Penalty)
(Amendment No. 3) Order 2004**

<i>Made</i> - - - -	<i>2nd December 2004</i>
<i>Laid before Parliament</i>	<i>3rd December 2004</i>
<i>Coming into force</i> - -	<i>26th December 2004</i>

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

1. This Order may be cited as the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment No. 3) Order 2004 and shall come into force on the twenty fourth day after the day on which it is made.

2.—(1) The Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002(b) is amended as follows.

(2) In article 2, after “a penalty offence” there is inserted “by a person aged 16 or over at the time he committed the penalty offence”.

(3) After article 2, there is inserted –

“3. The amount of the penalty payable in respect of a penalty offence by a person aged under 16 at the time he committed the penalty offence is –

- (a) in the case of an offence falling under Part I of the Schedule to this Order, £40, or
- (b) in the case of an offence falling under Part II of the Schedule to this Order, £30.”

(4) For the heading to Part I of the Schedule there is substituted “OFFENCES ATTRACTING PENALTY OF £80 FOR PERSONS 16 AND OVER, OR £40 FOR PERSONS UNDER 16”.

(5) For the heading to Part II of the Schedule there is substituted “OFFENCES ATTRACTING PENALTY OF £40 FOR PERSONS 16 AND OVER, OR £30 FOR PERSONS UNDER 16”.

(6) For “Section 168E of the Licensing Act 1964 (c.26)” in Part II of the Schedule there is substituted “Section 169E of the Licensing Act 1964 (c.26)”.

Home Office
2nd December 2004

Scotland of Asthal Q.C.
Minister of State

(a) 2001 c. 16. Section 3(1A) is inserted by section 87(4) of the Anti-social Behaviour Act 2003 (c. 38).
(b) S.I. 2002/1837, amended by S.I. 2004/316 and S.I. 2004/2468.

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) to provide that a lower penalty is payable by a person who was aged under 16 at the time he committed the offence giving rise to the penalty notice. It also makes an amendment to Part II of Schedule to substitute a reference to the offence of consumption of intoxicating liquor by a person under the age of 18.

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