

2009 No. 1839

CRIMINAL LAW, ENGLAND AND WALES

The Violent Crime Reduction Act 2006 (Drinking Banning Orders) (Approved Courses) Regulations 2009

<i>Made</i> - - - -	<i>8th July 2009</i>
<i>Laid before Parliament</i>	<i>13th July 2009</i>
<i>Coming into force</i> - -	<i>31st August 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12(5), 13(2) and (8) and 14(5) of the Violent Crime Reduction Act 2006(a).

Citation and commencement

1.—(1) These Regulations may be cited as the Violent Crime Reduction Act 2006 (Drinking Banning Orders) (Approved Courses) Regulations 2009.

(2) These Regulations shall come into force on 31st August 2009.

Interpretation

2. In these Regulations—

“2006 Act” means the Violent Crime Reduction Act 2006;

“course” means a course for the purposes of section 2 of the 2006 Act;

“course provider” means a person who provides a course for the purposes of section 2 of the 2006 Act.

Applications for approval

3. An application for the approval of a course may only be made in response to an invitation to tender issued for that purpose by the Secretary of State and must be received by the Secretary of State before the end of 28 days beginning with the first day after the issuing of the invitation to tender.

Course fees

4. A course provider may not require a person to pay more than £250 or less than £120 for a course.

(a) 2006 c. 38.

Monitoring of courses

5. A course provider shall permit the Secretary of State or any other person authorised by the Secretary of State to visit any premises which are used by a course provider in connection with the provision of a course at any reasonable time.

6. A course provider shall comply with any reasonable request by the Secretary of State to submit information within a reasonable period to the Secretary of State in connection with the course provided by that course provider.

7.—(1) A course provider shall record the information specified in paragraph (6).

(2) A course provider shall submit to the Secretary of State, in respect of each 12 month period, the information specified in paragraph (6)(b) to (n) that is recorded during that 12 month period.

(3) Subject to paragraph (7), a course provider shall submit to the Secretary of State, in respect of each 3 month period, the information specified in paragraph (6)(b) to (n) that is recorded during that 3 month period.

(4) The first 3 month period and the first 12 month period shall begin on the day that the Secretary of State grants an approval in respect of the course provided by the course provider.

(5) The information referred to in paragraphs (2) and (3) shall be submitted no later than the end of 28 days beginning on the first day after the end of each 3 month period or each 12 month period as the case may be.

(6) The course provider shall record the following information in relation to every subject of a drinking banning order in which the course provider's course is specified, to the extent the information is applicable to that subject—

- (a) name;
- (b) date of birth;
- (c) identification number assigned by the course provider to the subject of the drinking banning order;
- (d) gender;
- (e) the date on which the drinking banning order was made;
- (f) the date on which the course provider first contacted the subject of the drinking banning order;
- (g) the reason for refusing to attend a course;
- (h) the date the notice of non-completion was sent to applicant;
- (i) the date on which the course began;
- (j) the number of hours of the course that involved individual sessions;
- (k) the number of hours of the course that involved group sessions;
- (l) the date the course was completed;
- (m) the date the certificate of completion was sent to the proper officer of the court that made the order;
- (n) the date the certificate of completion was sent to the subject of the drinking banning order.

(7) Where the Secretary of State requests on reasonable notice that certain categories of information specified in paragraph (6)(b) to (n) are provided instead of all the information required by paragraph (3), the course provider shall provide those categories of information instead of all such information.

(8) The information referred to in paragraph (2) shall be accompanied by a report prepared by the course provider in which the course is evaluated.

Withdrawal of approvals

8.—(1) An approval of a course may be withdrawn by the Secretary of State by giving notice in writing to the course provider and such withdrawal shall have effect in accordance with the notice.

(2) The Secretary of State may withdraw an approval of a course with immediate effect or at different times for different purposes.

(3) The Secretary of State may suspend an approval before taking the decision whether or not to withdraw it; and any such suspension—

- (a) shall be made by giving notice in writing to the course provider; and
- (b) shall have effect in accordance with the notice.

Information on courses and course providers

9. The Secretary of State may publish and make available on request information regarding courses and course providers.

Certificates of completion

10. A certificate of completion issued by a course provider under section 13 of the 2006 Act must be in the form specified in Schedule 1.

Notice of non completion

11.—(1) A notice of a decision under section 13(4) of the 2006 Act must be in the form specified in Schedule 2.

(2) Such a notice must—

- (a) be given to the subject of the drinking banning order in person; or
- (b) be sent by post to the last known address of that person, in which case it shall be deemed to have been given to that person on the second working day after the date on which it is sent.

Home Office
8th July 2009

Alan Campbell
Parliamentary Under-Secretary of State

SCHEDULE 1



Serial Number

Violent Crime Reduction Act 2006 - Courses for Drinking Banning Orders

Certificate of Completion

This certificate is issued under section 13 of the Violent Crime Reduction Act 2006

Details of Recipient of DBO	
Name	<input type="text"/>
Date of Birth	<input type="text"/>
Address	<input type="text"/>
Sex(✓)	M <input type="checkbox"/> F <input type="checkbox"/>
	<input type="text" value="Postcode"/>

Details of Supervising Court	
Name of Court	<input type="text"/>
Address	<input type="text"/>
	<input type="text" value="Postcode"/>
Case Number	<input type="text"/>

Details of Approved Course	
Date on which order was made	<input type="text"/>
Name of course provider	<input type="text"/>
Contact telephone number	<input type="text"/>

Certification	
The Person named above has successfully completed the approved course	
Signed by, or on behalf of, course provider	<input type="text"/>
Date	<input type="text"/>

DBO1

SCHEDULE 2



Serial Number

Violent Crime Reduction Act 2006 - Courses for Drinking Banning Orders

Notice of Non-Completion

This certificate is issued under section 13 of the Violent Crime Reduction Act 2006

Details of Recipient of DBO	
Name	<input type="text"/>
Date of Birth	<input type="text"/>
Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Sex(✓)	M <input type="checkbox"/> F <input type="checkbox"/>
	<input type="text"/> Postcode

Details of Supervising Court	
Name of Court	<input type="text"/>
Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/> Postcode
Case Number	<input type="text"/>

Details of Approved Course	
Date on which order was made	<input type="text"/>
Name of course provider	<input type="text"/>
Contact telephone number	<input type="text"/>

DBO2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the approval of courses for the purposes of section 2 of the Violent Crime Reduction Act 2006.

Regulation 3 provides that an application for the approval of a course may only be made in response to an invitation to tender issued by the Secretary of State.

Regulation 4 provides that a person may not be required to pay more than £250 or less than £120 to attend a course.

Regulations 5 to 7 make provision about the monitoring of courses and include requirements for the course provider to provide certain information to the Secretary of State.

Regulation 8 makes provision about the withdrawal of approvals. Regulation 9 enables the Secretary of State to publish and make available on request information regarding courses and course providers.

Regulation 10 prescribes the form of a certificate of completion of a course. Regulation 11 prescribes the form of a notice of non-completion of a course.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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The Violent Crime Reduction Act 2006 (Drinking Banning
Orders) (Approved Courses) Regulations 2009

£5.50