

SCHEDULES

SCHEDULE 1

Section 40(1).

SPORTING EVENTS

PART I

ENGLAND AND WALES

Introduction

- 1 The Sporting Events (Control of Alcohol etc.) Act 1985 shall be amended as mentioned in this Part.

Vehicles

- 2 The following shall be inserted after section 1 (offences in connection with alcohol on coaches and trains)—

“1A Alcohol on certain other vehicles.

- (1) This section applies to a motor vehicle which—
- (a) is not a public service vehicle but is adapted to carry more than 8 passengers, and
 - (b) is being used for the principal purpose of carrying two or more passengers for the whole or part of a journey to or from a designated sporting event.
- (2) A person who knowingly causes or permits intoxicating liquor to be carried on a motor vehicle to which this section applies is guilty of an offence—
- (a) if he is its driver, or
 - (b) if he is not its driver but is its keeper, the servant or agent of its keeper, a person to whom it is made available (by hire, loan or otherwise) by its keeper or the keeper's servant or agent, or the servant or agent of a person to whom it is so made available.
- (3) A person who has intoxicating liquor in his possession while on a motor vehicle to which this section applies is guilty of an offence.
- (4) A person who is drunk on a motor vehicle to which this section applies is guilty of an offence.
- (5) In this section—
- " keeper ", in relation to a vehicle, means the person having the duty to take out a licence for it under section 1(1) of the Vehicles (Excise) Act 1971,

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" motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, and

" public service vehicle " has the same meaning as in the Public Passenger Vehicles Act 1981.”.

Fireworks etc.

3 The following shall be inserted after section 2 (offences in connection with alcohol, containers etc. at sports grounds)—

“2A Fireworks etc.

- (1) A person is guilty of an offence if he has an article or substance to which this section applies in his possession—
 - (a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or
 - (b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at the ground.
- (2) It is a defence for the accused to prove that he had possession with lawful authority.
- (3) This section applies to any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas ; and in particular it applies to distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not to matches, cigarette lighters or heaters.
- (4) This section also applies to any article which is a firework.”.

Licensing etc.

4 The following shall be inserted after section 5—

“5A Private facilities for viewing events.

- (1) In relation to a room in a designated sports ground—
 - (a) from which designated sporting events may be directly viewed, and
 - (b) to which the general public are not admitted,
 sections 2(1) (a) and 3(1) (a) of this Act have effect with the substitution for the reference to the period of a designated sporting event of a reference to the restricted period defined below.
- (2) Subject to any order under subsection (3) below, the restricted period of a designated sporting event for the purposes of this section is the period beginning 15 minutes before the start of the event or (if earlier) 15 minutes before the time at which it is advertised to start and ending 15 minutes after the end of the event, but—
 - (a) where an event advertised to start at a particular time on a particular day is postponed to a later day, the restricted period includes the

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- period in the day on which it is advertised to take place beginning 15 minutes before and ending 15 minutes after that time, and
- (b) where an event advertised to start at a particular time on a particular day does not take place, the period is the period referred to in paragraph (a) above.
- (3) The Secretary of State may by order provide, in relation to all designated sporting events or in relation to such descriptions of event as are specified in the order—
- (a) that the restricted period shall be such period, shorter than that mentioned in subsection (2) above, as may be specified in the order, or
- (b) that there shall be no restricted period.
- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5B Occasional licences.

- (1) An occasional licence which is in force for any place situated in the area of a designated sports ground, and which would (apart from this section) authorise the sale of intoxicating liquor at the place during the whole or part of the period of a designated sporting event at the ground, shall not authorise such sale.
- (2) Where the sale of intoxicating liquor would (apart from this section) be authorised by an occasional licence, its holder is guilty of an offence if he sells or authorises the sale of such liquor and by virtue of this section the licence does not authorise the sale.
- (3) A person is guilty of an offence if he consumes intoxicating liquor at a place, or takes such liquor from a place, at a time when an occasional licence which would (apart from this section) authorise the sale of the liquor at the place does not do so by virtue of this section.

5C Clubs.

- (1) Subsections (3) and (5) of section 39 of the Licensing Act 1964 (clubs), and subsection (4) of that section as it applies to subsection (3), shall not apply as regards the supply of intoxicating liquor in the area of a designated sports ground during the period of a designated sporting event at the ground or as regards the keeping of intoxicating liquor for such supply ; but subsections (2) to (5) below shall apply.
- (2) During the period of such an event at the ground, intoxicating liquor shall not be supplied by or on behalf of a registered club to a member or guest in the area of the ground except at premises in respect of which the club is registered.
- (3) A person supplying or authorising the supply of intoxicating liquor in contravention of subsection (2) above is guilty of an offence.

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- (4) A person who, during the period of such an event, obtains or consumes intoxicating liquor supplied in contravention of subsection (2) above is guilty of an offence.
- (5) If intoxicating liquor is kept in any premises or place by or on behalf of a club for supply to members or their guests in contravention of subsection (2) above, every officer of the club is guilty of an offence unless he shows that it was so kept without his knowledge or consent.

5D Non-retail sales.

- (1) During the period of a designated sporting event at a designated sports ground, intoxicating liquor shall not be sold in the area of the ground except by sale by retail.
- (2) A person selling or authorising the sale of intoxicating liquor in contravention of subsection (1) above is guilty of an offence.
- (3) A person who, during the period of such an event, obtains or consumes intoxicating liquor sold in contravention of subsection (1) above is guilty of an offence.”.

Supplementary

- 5 In sections 2 and 3, after subsection (1) insert—
- “(1A) Subsection (1)(a) above has effect subject to section 5A(1) of this Act.”
- 6 In section 7(3) (power to stop and search vehicles), after "public service vehicle (within the meaning of section 1 of this Act)" insert "or a motor vehicle to which section 1A of this Act applies".
- 7 (1) Section 8 (penalties) shall be amended as follows.
- (2) In paragraph (a) after "1(2)" there shall be inserted "or 1A(2)".
- (3) In paragraph (b) after " 1(3)" there shall be inserted ", 1A(3)", after " 2(1) " there shall be inserted ", 2A(1)" and after 3(10) " there shall be inserted ", 5B(2), 5C(3), 5D(2)".
- (4) In paragraph (c) after " 1(4)" there shall be inserted ", 1A(4)".
- (5) At the end there shall be inserted—
- “(d) in the case of an offence under section 5B(3), 5C(4) or 5D(3), to a fine not exceeding level 3 on the standard scale, and
- (e) in the case of an offence under section 5C(5), to a fine not exceeding level 1 on the standard scale.”.

Minor amendment

- 8 Section 3(9) (notice varying order about sale or supply of intoxicating liquor) shall have effect, and be taken always to have had effect, as if in paragraph (b) " order " read " notice ".

PART II

SCOTLAND

Introduction

- 9 Part V of the Criminal Justice (Scotland) Act 1980 (sporting events: control of alcohol etc.) shall be amended as mentioned in this Part.

Vehicles

- 10 After section 70 there shall be inserted the following—

“70A Alcohol on certain other vehicles.

- (1) This section applies to a motor vehicle which is not a public service vehicle but is adapted to carry more than 8 passengers and is being operated for the principal purpose of conveying two or more passengers for the whole or part of a journey to or from a designated sporting event.
- (2) Any person in possession of alcohol on a vehicle to which this section applies shall be guilty of an offence and liable on summary conviction to imprisonment for a period not exceeding 60 days or a fine not exceeding level 3 on the standard scale or both.
- (3) Any person who is drunk on a vehicle to which this section applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) Any person who permits alcohol to be carried on a vehicle to which this section applies and—
 - (a) is the driver of the vehicle, or
 - (b) where he is not its driver, is the keeper of the vehicle, the employee or agent of the keeper, a person to whom it is made available (by hire, loan or otherwise) by the keeper or the keeper's employee or agent, or the employee or agent of a person to whom it is so made available,

shall, subject to section 71 of this Act, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

- 11 In section 71 (defences in connection with carriage of alcohol) for " or 70 " there shall be substituted ", 70 or 70A(4)".

- 12 In section 75 (police powers of enforcement) for " or 70 " there shall be substituted ", 70 or 70A".

- 13 In section 77 (interpretation of Part V)—

- (a) the following definitions shall be inserted in the appropriate places alphabetically—

“" keeper ", in relation to a vehicle, means the person having the duty to take out a licence for it under section 1(1) of the Vehicles (Excise) Act 1971 ;

" motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads ;” ; and

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- (b) in the definition of " public service vehicle " for the words " Part I of the Transport Act 1980 " there shall be substituted the words "the Public Passenger Vehicles Act 1981"; "

Fireworks etc.

- 14 (1) After section 72 there shall be inserted the following—

“72A Possession of fireworks etc. at sporting events.

- (1) Any person who has entered the relevant area of a designated sports ground and is in possession of a controlled article or substance at any time during the period of a designated sporting event shall be guilty of an offence.
- (2) Any person who, while in possession of a controlled article or substance, attempts to enter the relevant area of a designated sports ground at any time during the period of a designated sporting event at the ground shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) above shall be liable on summary conviction to imprisonment for a period not exceeding 60 days or to a fine not exceeding level 3 on the standard scale or both.
- (4) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to show that he had lawful authority to be in possession of the controlled article or substance.
- (5) In subsections (1) and (2) above " controlled article or substance " means—
- (a) any article or substance whose main purpose is the emission of a flare for purposes of illuminating or signalling (as opposed to igniting or heating) or the emission of smoke or a visible gas ; and in particular it includes distress flares, fog signals, and pellets and capsules intended to be used as fumigators or for testing pipes, but not matches, cigarette lighters or heaters; and
- (b) any article which is a firework.”.
- (2) In section 75 (police powers of enforcement) at the end of subparagraph (ii) of paragraph (e) there shall be inserted—
- “; or
- (iii) a controlled article or substance as defined in section 72A(5) of this Act”.