

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

SUMMARY

Part 1: Alcohol-related violence and disorder

3. **Chapter 1** of Part 1 establishes powers to allow those aged 16 and over who are responsible for alcohol related disorder to be excluded from pubs and clubs in a defined geographic area for a given length of time under a drinking banning order, with the possibility of other relevant prohibitions also being included in the order. Provision is also made for the duration of an order to be reduced if an individual satisfactorily completes an approved course to address their alcohol misuse behaviour.
4. **Chapter 2** of Part 1 gives local authorities the power to designate, with the consent of the police, a locality as an alcohol disorder zone where there is a problem with alcohol-related nuisance and disorder. Local authorities will have the power to impose charges on holders of premises licences allowing the sale by retail of alcohol and on holders of club premises certificates allowing the supply of alcohol to members and their guests. Charges can be imposed if licensed premises and clubs did not implement an action plan designed to address the problem. They will have a period of eight weeks in which to do this. As part of the action plan, licensed premises may be asked to fund extra service provision – extra late-night transport for example. If premises failed to implement the action plan, then charges would be levied at a nationally-set rate, reflecting the cost of a typical basket of initiatives which could be used by local authorities and other public authorities to tackle the problem. A designation will be subject to three monthly review of its appropriateness.
5. **Chapter 3** of Part 1 inserts a new procedure into the Licensing Act 2003 which allows for an accelerated review of licensed premises by a licensing authority, and the attaching of temporary conditions to a premises licence pending the full review of the licence. The new procedure provides for a senior police officer (of or above the rank of superintendent) to certify to a licensing authority, that he/she considers a licensed premises to be associated with serious crime and/or disorder. On receiving the application the licensing authority will be obliged to consider within 48 hours whether it is necessary to take interim steps pending a full review of the licence which must take place within 28 days.
6. The interim steps that a licensing authority may take include modification of the conditions of a licence (e.g. requiring at risk pubs/clubs to search for offensive weapons or use toughened glass); the exclusion of sale of alcohol; the removal of the designated premises supervisor from the licence; or the suspension of the licence.
7. If the licensing authority decides to take interim steps, pending a full review, then it will be required to give notice of its decision to the holder of the premises licence and the police. The premises licence holder may make representations against the imposition of temporary measures and the licensing authority will be obliged to hold a hearing within 48 hours of receipt to consider these. In addition to considering the representations, the licensing authority must consider the original statement issued by the police and any

representations made by the chief officer of police for the area. Following the hearing, the licensing authority may decide to withdraw or modify the temporary steps taken.

8. The licensing authority is obliged to hold a full hearing within 28 days of receiving the signed statement from the police taking into account representations from the licence holder, any responsible authority or interested party. Following the review, the licensing authority may modify the conditions of licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding 3 months or revoke the licence.
9. **Chapter 3** of Part 1 also inserts a new offence into the Licensing Act 2003 which will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person aged under 18. The new offence is only committed if at the time of each sale, the premises were licensed by a premises licence issued under the Licensing Act 2003 or the premises were being used for a permitted temporary activity under the authority of a temporary event notice given under that Act. The new offence is committed by a person who, on the occasion of each unlawful sale, was a person, or one of the persons, holding the premises licence for the premises, or a person, or one of the persons, who is the premises user and gave the temporary event notice authorising licensable activities at the premises. The penalty for the new offence on summary conviction will be a fine not exceeding £10,000 and, where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.
10. Provision is made in Chapter 3 for a senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, to give a closure notice where there is evidence that a person has committed the new offence of persistently selling alcohol to children at the premises in question, and he considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. A closure notice will propose a prohibition on sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Where the licence holder decides to accept the prohibition, it must take effect not less than fourteen days after the date on which the notice was served at a time specified in the closure notice. Closure notices may be served by police constables, trading standards officers and community support officers.
11. **Chapter 3** also amends the Licensing Act 2003 so that where a premises licence issued under that Act requires persons to be present to undertake manned guarding activities, the premises licence must only contain a mandatory condition that they be licensed by the Security Industry Authority if they are required to be licensed under the Private Security Industry Act 2001. Chapter 3 also amends the Criminal Justice and Police Act 2001 to limit the circumstances in which premises licensed by local authorities cannot be designated public places (where restrictions on public drinking will apply).
12. **Chapter 3** also creates a new power for a police constable to issue an individual with a direction to leave a locality for up to 48 hours. A direction may be issued if an individual in the locality is likely, in all the circumstances, to cause or contribute to the occurrence, repetition or continuance of alcohol-related crime or disorder in that locality and the direction is necessary to remove or reduce that likelihood.

Part 2: Weapons etc.

13. **Part 2** establishes a new offence of using someone to mind a weapon and amends firearms law to tackle the misuse of imitation firearms and air weapons, and the assembly of primers for ammunition for criminal purposes. This part of the Act also contains measures in relation to the sale etc. of knives and other weapons and the power to search for weapons in schools, further education colleges and attendance centres.

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14. **Sections 28 and 29** create a new offence of using another person to look after, hide or transport a dangerous weapon and provide for the court to treat the use of a minor in these circumstances as an aggravating factor when considering the seriousness of the offence.
15. **Section 30** applies the existing minimum sentences for unlawful possession of certain prohibited weapons to other serious offences involving the possession and criminal use of such weapons.
16. **Sections 31 to 34** deal with the misuse of air weapons. Section 31 requires anyone who wishes to sell air weapons by way of trade or business to register with the police as a firearms dealer. Section 32 requires such sales of air weapons to be made face to face. Section 33 increases, from 17 to 18, the minimum age for acquiring or possessing an air weapon. Section 34 makes it an offence for any person to fire an air weapon beyond the boundary of any premises.
17. **Section 35** makes it an offence to purchase or sell primers for ammunition unless the purchaser has a valid firearm certificate or otherwise has lawful authority.
18. **Sections 36 to 41** deal with the misuse of imitation firearms. Section 36 makes it an offence to manufacture, import or sell realistic imitation firearms, as defined in section 38, and includes a power for the Secretary of State to make regulations to provide for exceptions and defences to this offence. Section 37 makes it a defence (to the offence under section 36) to show that the sale etc was for the purposes of a museum or gallery; for theatre, film or TV productions; for historical re-enactment; or for Crown service. There is also a defence for businesses who import realistic imitation firearms for the purpose of modifying them so that they are no longer realistic. Section 39 makes it an offence to manufacture, modify or import an imitation firearm which does not conform to specifications set out in regulations to be made by the Secretary of State. Section 40 makes it an offence to sell an imitation firearm to a person under 18. It also makes it an offence for a person under 18 to purchase an imitation firearm. Section 41 increases from 6 months to 12 months the maximum custodial sentence for carrying an imitation firearm in a public place without lawful authority or reasonable excuse.
19. **Section 42** increases the maximum term of imprisonment for the offences of having an article with a blade or point, in a public place or on school premises from 2 to 4 years.
20. **Section 43** amends section 141A(1) of the Criminal Justice Act 1988 under which it is currently an offence to sell a knife or an article with a blade or point to a person under the age of 16 years. Section 43 increases that age to 18.
21. It is an offence under section 141 of that Act to manufacture, sell, hire or offer for sale or hire, lend or give to another person an offensive weapon. Section 43 also creates a defence for those engaging in such activities for the purpose of theatrical performances and rehearsals, the production of films or the production of television programmes.
22. **Section 44** amends the Crossbows Act 1987 to raise from 17 to 18 the age at which a person can lawfully buy, hire, be sold or hired a crossbow, or possess a crossbow without the supervision of a person aged 21 or over.
23. **Sections 45, 46 and 47** provide a power for members of school staff, further education colleges and attendance centres to search pupils, students and persons attending the centre respectively for weapons. Section 48 reduces the threshold for a constable to exercise his powers of entry and search of a school and persons on school premises for weapons in section 139B of the Criminal Justice Act 1988 from 'reasonable grounds for believing' to 'reasonable grounds for suspecting'.

Part 3: Miscellaneous

24. **Part 3** of the Act contains four main measures in relation to football-related disorder:

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- section 52 (1) repeals section 5(2) of the [Football \(Disorder\) Act 2000 \(c. 25\)](#) which imposes a latest date of 27th August 2007 for the making of applications for football banning orders under the [Football Spectators Act 1989 \(c. 37\)](#) and for the exercise of police powers under that Act;
 - section 52(2) and Schedule 3 amends the provisions of the Football Spectators Act 1989 relating to football banning orders;
 - section 52(3) repeals sections 2 to 7 of the Football Spectators Act 1989 which make provision for the introduction of a national membership scheme for attendance at regulated football matches;
 - Section 53 amends the Criminal Justice and Public Order Act 1994 to update and refine provisions restricting the sale and disposal of football match tickets by unauthorised persons, including on the internet.
25. [Section 54](#) introduces Schedule 4 to the Act which amends the Sexual Offences Act 2003 by inserting three new sections 60A, 60B and 60C. The three new sections introduce provisions allowing for the detention and/or forfeiture of vehicles, ships and aircrafts used in offences of trafficking for sexual exploitation under sections 57 to 59 of the 2003 Act.
26. Where the same conduct amounts to a specified sexual offence under both the old law and the new law (since the commencement of the Sexual Offences Act 2003), section 55 ensures that a person can be found guilty of the offence even where it cannot be proved beyond reasonable doubt whether the offending conduct took place at a time when the old law was in force or at a time when the new law was in force.
27. [Section 56](#) makes certain cross border provision required as a consequence of the changes to Scottish law made by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.
28. [Section 57](#) amends the Sexual Offences Act 2003 to ensure that those sentenced to imprisonment for public protection under section 225 of the Criminal Justice Act 2003 remain subject to the notification requirements of the Sexual Offences Act for an indefinite period.
29. [Section 58](#) amends the Sexual Offences Act 2003 to enable a magistrate, on application from a senior police officer of the relevant force, to issue a warrant to allow a constable to enter and search the home of an offender subject to those notification requirements for the purposes of assessing the risks that the offender may pose to the community.
30. [Section 59](#) amends the Crime and Disorder Act 1998 to clarify the time period in which a complaint can be made for an application for an Anti-social Behaviour Order.
31. [Section 62](#) amends the Mobile Telephones (Re-programming) Act 2002 to make provision for widening the categories of persons involved in changing the electronic identifiers of mobile wireless communications devices who commit an offence under that Act.
32. [Section 63](#) amends the Private Security Industry Act 2001 to exempt certain people who work at sports grounds from the licensing requirements of that Act.

Part 4: General

33. [Part 4](#) deals with expenses, and repeals and provides for the commencement and extent of the Act.