



Violent Crime Reduction Act 2006

2006 CHAPTER 38

PART 1

ALCOHOL-RELATED VIOLENCE AND DISORDER

CHAPTER 1

DRINKING BANNING ORDERS

Orders made on application

3 Orders on an application to magistrates' court

- (1) An application to a magistrates' court for the making of a drinking banning order against an individual may be made by a relevant authority if—
 - (a) it appears to the authority that the conditions in subsection (2) are satisfied with respect to the individual; and
 - (b) the individual is aged 16 or over.
- (2) The conditions are—
 - (a) that the individual has, after the commencement of this section, engaged in criminal or disorderly conduct while under the influence of alcohol; and
 - (b) that such an order is necessary to protect other persons from further conduct by him of that kind while he is under the influence of alcohol.
- (3) An application under this section to a magistrates' court has to be made by complaint.
- (4) Before making an application under this section, a relevant authority must consult the appropriate persons.
- (5) If, on an application under this section with respect to an individual, it is proved that the conditions in subsection (2) are satisfied in his case, the magistrates' court may make a drinking banning order against him.

Status: Point in time view as at 31/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Cross Heading: Orders made on application. (See end of Document for details)

- (6) Nothing in this section affects the operation of section 127 of the Magistrates' Courts Act 1980 (c. 43) (limitation of time in respect of informations laid or complaints made in magistrates' court).

Commencement Information

II S. 3 in force at 31.8.2009 by S.I. 2009/1840, art. 2(c)

4 Orders in county court proceedings

- (1) This section applies where proceedings have been brought in a county court.
- (2) If a relevant authority—
- (a) is a party to the proceedings, and
 - (b) considers that another party to the proceedings is an individual in relation to whom it would be reasonable for it to make an application under section 3,
- it may make an application in the proceedings for a drinking banning order against the individual.
- (3) If a relevant authority—
- (a) is not a party to the proceedings, and
 - (b) considers that a party to the proceedings is an individual in relation to whom it would be reasonable for it to make an application under section 3,
- it may make an application to be joined to those proceedings for the purposes of this section and (if it is joined) may apply for a drinking banning order against the individual.
- (4) Subsection (5) applies if a relevant authority is a party to the proceedings and considers that—
- (a) an individual who is not a party to the proceedings has engaged in criminal or disorderly conduct while under the influence of alcohol; and
 - (b) that conduct is material in relation to the proceedings.
- (5) The relevant authority—
- (a) may make an application for the individual to be joined for the purposes of this section; and
 - (b) if that individual is joined, may apply for a drinking banning order against him.
- (6) A relevant authority must consult the appropriate persons—
- (a) before making an application for a drinking banning order under subsection (2);
 - (b) before making an application to be joined to proceedings under subsection (3);
 - (c) before making an application to join an individual to proceedings under subsection (5).
- (7) If, on an application under this section for a drinking banning order against an individual—
- (a) it is proved that the conditions in section 3(2) are satisfied in relation to the individual, and

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- (b) his criminal or disorderly conduct while under the influence of alcohol is material in relation to the proceedings,
the court may make a drinking banning order against him.

Commencement Information

I2 S. 4 in force at 31.8.2009 by S.I. 2009/1840, art. 2(d)

5 Variation or discharge of orders under s. 3 or 4

- (1) This section applies to a drinking banning order made under section 3 or 4.
- (2) The following persons may apply to the court which made the order for it to be varied or discharged by a further order—
 - (a) the subject;
 - (b) the relevant authority on whose application the order was made.
- (3) In the case of an order under section 3 made by a magistrates' court, the reference in subsection (2) to the court which made the order includes a reference to a relevant local court.
- (4) An application under subsection (2) to a magistrates' court has to be made by complaint.
- (5) The order may not be varied so as to extend the specified period to more than two years.
- (6) The order may not be discharged unless—
 - (a) it is discharged from a time after the end of the period that is half the duration of the specified period; or
 - (b) the relevant authority on whose application the order was made has consented to its earlier discharge.

Commencement Information

I3 S. 5 in force at 31.8.2009 by S.I. 2009/1840, art. 2(e)

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