

2001 No. 2831

POLICE, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities (Alcohol Consumption in
Designated Public Places) Regulations 2001**

Made - - - - - *3rd August 2001*

Laid before Parliament *10th August 2001*

Coming into force - - *1st September 2001*

The Secretary of State, in exercise of the powers conferred on him by section 13(4) and (5) of the Criminal Justice and Police Act 2001(a) and sections 13 and 105(2) of the Local Government Act 2000(b) hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations extend to England and Wales, except that regulation 10 extends to England only.

Interpretation

2. In these Regulations:

“the 2001 Act” means the Criminal Justice and Police Act 2001;

“licensed premises” has the same meaning as in the Licensing Act 1964(c);

“local authority” and “public place” have the same meaning as in section 16 of the 2001 Act; and

“order” means an order under section 13(2) of the 2001 Act identifying specifically or by description a public place in the area of a local authority.

Consultation

3.—(1) Before making an order, a local authority shall consult—

(a) the chief officer of police for the police area in which the public place proposed to be identified in the order is situated;

(b) the parish or community council in whose area the public place is situated;

(c) the chief officer of police, the local authority and the parish or community council for any area near to the public place which they consider may be affected by the designation; and

(a) 2001 c. 16.
(b) 2000 c. 22.
(c) 1964 c. 26.

(d) the licensee of any licensed premises in that place or which they consider may be affected by the designation.

(2) Before making an order, a local authority shall also take reasonable steps to consult the owners or occupiers of any land proposed to be identified.

4. A local authority shall consider any representations as to whether or not a particular public place should be identified in an order whether made as a result of consultation under regulation 3, in response to a notice under regulation 5, or otherwise.

Publicity

5. Before making an order, a local authority shall cause to be published in a newspaper circulating in their area a notice—

- (a) identifying specifically or by description the place proposed to be identified;
- (b) setting out the effect of an order being made in relation to that place; and
- (c) inviting representations as to whether or not an order should be made.

6. No order shall be made until at least 28 days after the publication of the notice referred to in regulation 5.

7. After making an order and before it takes effect, a local authority shall cause to be published in a newspaper circulating in their area a notice—

- (a) identifying the place which has been identified in the order;
- (b) setting out the effect of the order in relation to that place; and
- (c) indicating the date on which the order will take effect.

8. Before an order takes effect, a local authority shall cause to be erected in the place identified such signs as they consider sufficient to draw the attention of members of the public in that place to the effect of the order.

9. A copy of any order made shall be sent to the Secretary of State.

Amendment to Local Authorities (Functions and Responsibilities) (England) Regulations 2000

10.—(1) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a) shall be amended as follows.

(2) In Schedule 1(b) (Functions not to be the responsibility of an authority's executive) there shall be added in Part I (Miscellaneous functions) at the end:

- (a) in Column (1):

“49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.”; and
- (b) in Column (2):

“Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).”.

Home Office
3rd August 2001

Beverley Hughes
Parliamentary Under-Secretary of State

(a) S.I. 2000/2853.

(b) Schedule 1 is amended by regulation 2(b) of and the Schedule to the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations (S.I. 2001/2212).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedure to be followed by local authorities in connection with orders designating a public place under section 13 of the Criminal Justice and Police Act 2001. Once an order is made under that section in relation to a public place in their area, the police powers under section 12 of the Act (to require a person not to consume intoxicating liquor and to surrender opened containers of such liquor) will be available.

Regulations 3 and 4 set out the consultation requirements before making an order. Regulations 5 to 9 set out the publicity requirements before and after making an order. Regulation 10 adds the power to make an order under section 13(2) to those functions of a local authority in England which are not to be the responsibility of the executive.

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