

**2008 No. 3297**

**CRIMINAL LAW, ENGLAND AND WALES**

**POLICE, ENGLAND AND WALES**

**The Penalties for Disorderly Behaviour (Amount of Penalty)  
(Amendment) Order 2008**

<i>Made</i> - - - -	<i>29th December 2008</i>
<i>Laid before Parliament</i>	<i>2nd January 2009</i>
<i>Coming into force</i> - -	<i>26th January 2009</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 3(1) and (1A) of the Criminal Justice and Police Act 2001(a):

**Citation and commencement**

1. This Order may be cited as The Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2008 and shall come into force on 26 January 2009.

**Amount of penalty**

2. For the Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002(b), substitute the Schedule to this Order.

**Revocations**

3. The following Orders are revoked—

- (a) the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment No. 2) Order 2004(c);
- (b) the Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2005(d).

Signed by authority of the Secretary of State

29th December 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(a) 2001 c.16. Section 3(1A) was inserted by section 87 of the Anti-social Behaviour Act 2003 (c.38).  
(b) S.I. 2002/1837. That Schedule was substituted by S.I. 2004/2468 and further amended by S.I.2004/3371 and S.I. 2005/3048.  
(c) S.I. 2004/2468  
(d) S.I. 2005/581

# SCHEDULE

Article 2

## PART 1

Offences attracting penalty of £80 for persons aged 16 or over, and £40 for persons under 16

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 80 of the Explosives Act 1875 <b>(a)</b>	Throwing fireworks in a thoroughfare
Section 7(1) of the Children and Young Persons Act 1933 <b>(b)</b>	Sale of tobacco etc to persons under 18 years
Section 5(2) of the Criminal Law Act 1967 <b>(c)</b>	Wasting police time or giving false report
Section 91 of the Criminal Justice Act 1967 <b>(d)</b>	Disorderly behaviour while drunk in a public place
Section 1 of the Theft Act 1968 <b>(e)</b>	Theft
Section 1(1) of the Criminal Damage Act 1971 <b>(f)</b>	Destroying or damaging property
Section 2 of the Criminal Damage Act 1971	Threatening to destroy or damage property
Section 5(2) of the Misuse of Drugs Act 1971 <b>(g)</b> so far as relating to the following- (a) cannabinol, (b) cannabinol derivatives (within the meaning of Part 4 of schedule 2 to that Act (c) cannabis or cannabis resin (within the meaning of that Act), (d) any stereoisomeric form of a substance specified in any of paragraphs (a) to (c), (e) any ester or ether of a substance specified in paragraph (a) or (b), (f) any salt of a substance specified in paragraphs (a) to (e), (g) any preparation or other product containing a substance or product specified in any of paragraphs (a) to (f), not being a preparation falling within paragraph 6 of Part 1 of Schedule 2 to that Act.	Possession of cannabis etc
Section 3 of the Theft Act 1978 <b>(h)</b>	Making off without payment
Section 5 of the Public Order Act 1986 <b>(i)</b>	Behaviour likely to cause harassment, alarm or distress
Section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991 <b>(j)</b>	Failing to display in retail premises and on vending machines a warning notice that it is illegal to sell tobacco products to anyone under the age of 18 years
Section 167 of the Criminal Justice and Public	Touting for hire car services

- (a) Prospectively repealed by the Fireworks Act 2003 (c.22) from a date to be appointed.  
 (b) 1933 c.12  
 (c) 1967 c.58  
 (d) 1967 c.80  
 (e) 1968 c.60  
 (f) 1971 c.48  
 (g) 1971 c.38  
 (h) 1978 c.31  
 (i) 1986 c.64  
 (j) 1991 c.23

Order Act 1994(a)	
Section 3 of the Private Security Industry Act 2001(b)	Engaging in licensable conduct without or not in accordance with a licence
Section 9 of the Private Security Industry Act 2001	Contravening the conditions of a licence
Section 140 of the Licensing Act 2003(c)	Allowing disorderly conduct on licensed premises
Section 141 of the Licensing Act 2003	Sale of alcohol to a person who is drunk
Section 142 of the Licensing Act 2003	Obtaining alcohol for consumption on relevant premises for a person who is drunk
Section 143 of the Licensing Act 2003	Failure of person who is drunk or disorderly to leave relevant premises on request
Section 145 of the Licensing Act 2003	Allowing unaccompanied children under 16 on certain premises
Section 146(1) and (3) of the Licensing Act 2003	Sale of alcohol to persons under 18
Section 149(3) and (4) of the Licensing Act 2003	Purchase of alcohol on behalf of persons under 18
Section 151 of the Licensing Act 2003	Delivery of alcohol to persons under 18 or allowing such delivery
Section 127(2) of the Communications Act 2003(d)	Using a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety
Section 11 of the Fireworks Act 2003(e)	Contravention of a prohibition or failure to comply with a requirement imposed by or under fireworks regulations or making false statements
Section 49 of the Fire and Rescue Services Act 2004(f)	Knowingly giving a false alarm to a person acting on behalf of a fire and rescue authority

## PART 2

Offences attracting penalty of £50 for persons aged 16 and over, or £30 for persons under 16

<i>Offence creating provision</i>	<i>Description of offence</i>
Section 12 of the Licensing Act 1872(g)	Being drunk in a highway, other public place or licensed premises
Section 2(1) of the Parks Regulation (Amendment) Act 1926(h), insofar as relating to a failure to comply with or a contravention of the Royal Parks and Other Open Spaces Regulations 1997(i)	Contravening a prohibition on littering, dog fouling or illegal cycling etc
Section 55 of the British Transport Commission Act 1949(j)	Trespassing on a railway

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- (a) 1994 c.33
  - (b) 2001 c.12
  - (c) 2003 c.17
  - (d) 2003 c.21
  - (e) 2003 c.22
  - (f) 2004 c.21
  - (g) 1872 c.94
  - (h) 1926 c.36
  - (i) S.I. 1997/1639
  - (j) 1949 c.xxix

Section 56 of the British Transport Commission Act 1949	Throwing stones etc. at trains or other things on railways
Section 87 of the Environmental Protection Act 1990(a)	Depositing and leaving litter
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 made under section 67 of the Transport Act 1962 and confirmed by the Secretary of State for Environment, Transport and the Regions on 19 December 2000 (“the London Regional Transport Byelaws 2000”) so far as relating to a breach of byelaw 3 of those byelaws	Smoking on or near any part of a railway in contravention of a notice indicating that smoking is not allowed
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 4(1) of those byelaws	Entering or remaining on the railways while intoxicated
Byelaws 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 4(2) of those byelaws	Having intoxicating liquor on a train service where reasonable notice has been given prohibiting the possession of intoxicating liquor
Byelaw 24(1) of the London Regional Transport Railways Byelaws 2000 so far as relating to a breach of byelaw 6 of those byelaws	Engaging in unacceptable behaviour on the railway
Section 12 of the Criminal Justice and Police Act 2001(b)	Consumption of alcohol in designated public place
Section 149(1) of the Licensing Act 2003(c)	Purchase of alcohol by persons under 18 on relevant premises
Section 150 of the Licensing Act 2003	Consumption of alcohol by a person under 18 on relevant premises or allowing such consumption
Byelaw 24(1) of the Framework Railway Byelaws made under section 219 of the Transport Act 2000 and confirmed by the Secretary of State for Environment, transport and the Regions on 22 June 2005 (“the Railway Byelaws 2005”) so far as relating to a breach of byelaw 3 of those byelaws	Smoking on or near any part of a railway in contravention of a notice indicating that smoking is not allowed
Byelaw 24(1) of the Railway Byelaws 2005 so far as relating to a breach of byelaw 4(1) of those byelaws	Entering or remaining on the railway while intoxicated
Byelaw 24(1) of the Railway Byelaws 2005 so far as relating to a breach of byelaw 4(2) of those byelaws	Having intoxicating liquor on a train service where reasonable notice has been given prohibiting the possession of intoxicating liquor
Byelaw 24(1) of the Railway Byelaws 2005 so far as relating to a breach of byelaw 6 of those byelaws	Engaging in unacceptable behaviour on the railway

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(a) 1990 c.43  
(b) 2001 c.16  
(c) 2003 c.17

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies the amounts payable in respect of penalty offences to which Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 applies. There are two levels of penalty and different amounts of penalty are specified for persons under 16. The substituted Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002 (S.I. 2002/1837) sets out afresh the current penalties for existing penalty offences and specifies the amounts for the following newly added penalty offences—

- certain offences contrary to section 2(1) of the Parks Regulation (Amendment) Act 1926 (c.36),  
offences relating to the sale of tobacco to persons under 18 years contrary to section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991 (c.23),  
threats to destroy or damage property contrary to section 2 of the Criminal Damage Act 1971 (c.48),  
possession of cannabis etc, contrary to section 5(2) of the Misuse of Drugs Act 1971 (c.38),  
making off without payment, contrary to section 3 of the Theft Act 1978 (c.31),  
touting for hire car services, contrary to section 167 of the Criminal Justice and Public Order Act 1994 (c.33),  
certain railway byelaw offences under the London Regional Transport Railways Byelaws 2000 and Framework Railway Byelaws 2005,  
certain licence related offences relating to the private security industry, contrary to sections 3 and 9 of the Private Security Industry Act 2001 (c.12),  
certain alcohol related offences contrary to sections 142, 143 and 145 of the Licensing Act 2003 (c.17).

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£5.00