



Memorandum to the
Home Affairs Committee
Post-Legislative Assessment
of the
Violent Crime Reduction Act 2006



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Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

April 2012

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**MEMORANDUM TO THE HOME AFFAIRS SELECT COMMITTEE
POST-LEGISLATIVE ASSESSMENT OF THE
VIOLENT CRIME REDUCTION ACT 2006**

INTRODUCTION

This memorandum provides an assessment of the Violent Crime Reduction Act 2006 and has been prepared by the Home Office for submission to the Home Affairs Select Committee. It is published as part of the process set out by the then Government in the document "Post Legislative Scrutiny – The Government's Approach" (Cm 7320). The current Government has accepted the need to continue the practice of post legislative scrutiny as part of the Coalition Programme for Government aim of improving Parliament's consideration of legislation.

OBJECTIVES OF THE VIOLENT CRIME REDUCTION ACT 2006 ("THE 2006 ACT")

Violent crime takes many forms ranging from common assault to more serious offences involving weapons such as guns and knives leading to, in some cases, homicide. The Violent Crime Reduction Bill received Royal Assent on 8 November 2006. It sets out provisions that contain tools and powers to tackle a range of crime and disorder, including alcohol-fuelled violence and disorder to weapon-related offences.

The main objectives of the Act were to:

- Create a new civil order to tackle alcohol-related crime and disorder - Drinking Banning Orders;
- Create Alcohol Disorder Zones – to give licensing authorities powers to ensure that licensed premises take collective responsibility for disorder;
- To introduce a new criminal offence of persistently selling alcohol to children and give a power to the police to impose a 48-hour ban on the sale of alcohol by pubs and clubs as a punitive alternative to prosecution;
- Increase the maximum penalty for possession of a knife in a public place without good reason from two years to four;
- Introduce tougher controls on imitation firearms and air weapons;
- Create a new offence of using another person, particularly a child, to hide or carry a dangerous weapon; and
- Increase the age limit for buying a knife to 18 years old.

It also contains provisions to amend existing legislation in relation to football disorder, the re-programming of mobile telephones and sexual offences.

THE PROVISIONS
PART 1: ALCOHOL-RELATED VIOLENCE AND DISORDER

SECTIONS 1-8: DRINKING BANNING ORDERS, DURATION OF DRINKING BANNING ORDERS, ORDERS MADE ON APPLICATION, ORDERS MADE ON CONVICTION

Background

Drinking Banning Orders (DBOs) allow the police and local authorities to apply to the courts to impose restrictions and prohibitions on certain persons to exclude them from a specific locality or licensed premises for a specified period of time, as well as preventing them from consuming alcohol in public places.

The Government will take a view on the potential costs and effectiveness of a national roll out once a full analysis has been completed. This review by the Ministry of Justice, Her Majesty's Courts & Tribunal Service and the Home Office will take place later in 2012. Numbers of DBOs, either on application or conviction, are not published nationally although some police forces do opt to share this data via local force websites.

Section 2 sets out the duration for DBOs and the criteria for reducing its length if the individual has completed an approved course that was specified in the Order. A DBO can be effective for a minimum of two months and a maximum of two years.

Impact

DBOs apply only in England and Wales; DBOs on application were commenced on 31 August 2009. On 1 April 2010, 25 Local Justice Areas were given the power to issue DBOs on conviction, with a further 25 Local Justice Areas being given the power to do so on 1 November 2010.

The review by the Ministry of Justice, Her Majesty's Courts & Tribunal Service and the Home Office will take place later in 2012, which will also evaluate the outcomes for individuals issued with a DBO, and if possible compare these with individuals who did not receive an order. This work will seek to establish whether or not DBOs contribute to a reduction in alcohol-related re-offending.

While a number of police forces and local authorities have used DBOs on application, they have indicated that they prefer to impose a DBO on conviction, as the courts charge a fee of up to £700 to list a DBO hearing on application.

There is also anecdotal evidence to suggest that some of the early recipients of DBOs changed their behaviour after receiving the order, abiding by the conditions and not entering the premises from which they were barred, and more importantly refraining from unacceptable behaviour in public.

Unverified information supplied to the Home Office suggests that the majority of individuals who received a DBO were given an order that lasted for one year or more. Successful completion of an approved course can reduce the length of a DBO by up to half. The decision as to the reduction that can be applied to the length of the order is made by the court that originally issued the DBO.

In February 2011, the Home Office consulted on proposals to simplify and streamline the tools available to police and local authorities to deal with anti-social behaviour by individuals, including the DBO on application. The next steps following that consultation will be announced shortly.

Guidance

Guidance on DBOs was produced to coincide with the commencement of DBOs on application, and was then updated in advance of the power becoming available on conviction. Guidance was produced to aid local authorities, police forces, Crown Prosecution Service and course providers in their understanding of the legislative framework for DBOs and the practicality of applying for the civil order.

SECTIONS 9-11: INTERIM ORDERS, APPEALS AND BREACH

Background

The statistics on the numbers of interim orders, appeals and breaches of DBOs will be collated by the Ministry of Justice and Her Majesty's Courts & Tribunal Service in 2012 and these findings will be reviewed.

SECTIONS 12-14: COURSES

Background

There are eight course providers that have been accredited by the Home Office to offer DBO courses. These cover the entirety of England and Wales. Each course must meet a set of minimum requirements and the main objective of the course must be to protect people from alcohol-related crime and disorder. The format of the course is to be determined by each provider but must include one face-to-face session to determine the category of drinker referred.

Impact

The Home Office does not collect mandatory information on attendance rates, but an informal survey of the course providers in February 2012 revealed that six of the eight providers had not had any take-up to date. The Government will formally review the courses in the wider review of DBOs taking place later in 2012.

SECTIONS 15-20: ALCOHOL DISORDER ZONES

Background

Sections 15 to 20 provide powers for local authorities (with the consent of the police) to designate a locality as an “alcohol disorder zone” (ADZ) where they are satisfied that within that locality there has been nuisance or annoyance to members of the public or problems of alcohol-related crime and disorder in, or near, the locality.

The legislation also provided that, within the ADZ, local authorities can charge problem premises that sell alcohol a monthly levy or rate to pay for services associated with tackling the alcohol-related problems identified, as well as establishing an action plan including steps to be taken by the premises licence holders to address them. The ADZ provisions were launched as a ‘polluter pays’ type of power to be used in the last resort by local authorities. They were brought into force on 5 June 2008.

The provisions in VCRA 2006 provided for secondary legislation made by the Home Secretary - the Local Authorities (Alcohol Disorder Zones) Regulations 2008/1430. These regulations set out the procedures for consulting on and designating an ADZ, and for imposing charges and actions on licence holders. At the same time, the Home Office also produced guidance for local authorities (‘A Practical Guide for Dealing with Alcohol Related Problems: What You Need to Know’).

Impact

The Home Office has no evidence to date of a local area seeking to create an ADZ in England or Wales since the legislation came into force. Feedback from local authorities to the Home Office indicated that the lack of take-up was due to:

- the lengthy and costly process involved in setting up an ADZ;
- concerns about how they would be administered and monitored; and
- concerns about the negative social and economic impact that the label “ADZ” might have on a local area.

Following the 2010 election, the Coalition Government indicated that it would repeal the legislation that enables ADZs; given that it felt that the policy intentions behind ADZs might be more effectively met by other measures, including, for example, extended early morning alcohol restriction orders (EMROs) or a new late night levy. The Government consulted on these proposals as part of its major public consultation on the reform of alcohol licensing in 2010, ‘Rebalancing the Licensing Act’, a consultation on empowering individuals, families and local communities to shape and determine local licensing’.

The proposed repeal of Alcohol Disorder Zones was welcomed across a majority of local authorities, with 60 percent in favour across all groups of respondents. All police forces that responded indicated their support for the repeal of the legislation associated with ADZs. There was no strong opposition to the proposal to scrap ADZs.

The Government has legislated via the Police Reform and Social Responsibility Act 2011 to repeal the legislation on ADZs and to introduce other more useful tools and powers for licensing authorities and other measures to re-balance the Licensing Act 2003 in favour of local communities. The Government expects to repeal the ADZ provisions and regulations on 1 October 2012 to coincide with the commencement of other provisions in the 2011 Act, including the new late night levy and extended EMRO powers.

SECTIONS 21-22: LICENCE REVIEWS

Background

The powers under this section came into force on 1 October 2007. These sections amended the Licensing Act 2003 to allow for expedited (or summary) reviews of premises' licences (sections 53A to 53C), which can be called if a senior police officer certifies that the premises are associated with serious crime or serious disorder. The effect of expedited reviews is that the licensing authority has 48 hours to consider whether interim steps need to be taken to address the issues. Additionally, within 28 days the licensing authority must hold a review of the premise's licence.

Impact

The police have reported this to be a useful power and licensing statistics collected by the Department for Culture, Media and Sport show a steady increase in the number of expedited reviews that have been applied for. In 2007/08 there were 46 applications, in 2008/09 75 applications and in 2009/10 there were 152 applications for an expedited review (latest available figures).

SECTIONS 23-24: PERSISTENTLY SELLING ALCOHOL TO CHILDREN

SECTION 23: OFFENCE OF PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Background

This section amended the Licensing Act 2003 to create a new offence of persistently selling alcohol to children (Section 147A). The new section makes a person (or the premises licence holder) liable if he (or the premises) sells alcohol to an individual under the age of 18 on three occasions in a period of three consecutive months. It is a defence if the person can demonstrate that he took reasonable steps to establish the individual's age and if the proof of age presented would have convinced a reasonable person. This provision was amended by section 28 of the Policing and Crime Act 2009 which made it an offence to sell alcohol twice in a period of three months. This came into force on 29 January 2010.

Impact

From 2008 to 2010, inclusive, there were 17 convictions for the offence. By comparison, for the lesser offence of a 'one-off' sale to an individual under section 146 of the Licensing Act 2003, there were over 1000 convictions over the same period. The average fine for the persistent sales offence in 2009 was £1,700. The current Government announced its intention to send out a strong signal on under-age selling in 2010 and has legislated via the Police and Reform and Social Responsibility Act 2011 to double the maximum fine for the section 147A offence to £20,000. The Government intends to bring this measure into force on 25 April 2012. There is an alternative to prosecution (accepting a punitive period of closure – see below), but concerns have been expressed, for example in Parliament during the passage of the Police and Reform and Social Responsibility Act 2011, about the relatively low number of prosecutions and levels of fines given. The Home Office is working with the Sentencing Council and others to raise the profile of the offence in Magistrates' sentencing guidelines.

SECTION 24: CLOSURE NOTICES FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Background

This section amended the Licensing Act 2003 (adding sections 169A and 169B to the 2003 Act) to give the police the power to prevent a premises from selling alcohol for a period of up to 48 hours if the police are satisfied that the premises had committed the offence of selling to children three times in a period of three consecutive months. The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to introduce a flexible period of closure from 48 hours to up to 336 hours. These provisions will come into force on 25 April 2012.

Impact

The number of closure notices for persistent under age sales remains relatively low as intervention action is generally taken at the time of a first offence. However, the police and trading standards have found it a useful preventative tool in dealing with problematic premises and there are some good examples of licence revocation as a result of the process.

In the majority of cases the police will take the decision to prosecute the premises, with premises prosecuted for this offence receiving on average a licence suspension of around three months. In 2008/09, 54 closure notices were served which prevented premises selling alcohol for 48 hours, rising to 100 in 2009/10; showing a steady increase in the use of this power. The Police and Social Responsibility Act 2011 extended the maximum closure period available from 48 hours to 336 hours and doubled the maximum fine from £10,000 to £20,000. With these changes, the Government hopes that the powers will be used more readily; a view that was echoed, throughout the consultation process, by police and local authorities.

SECTION 25: DOOR SUPERVISION AT LICENSED PREMISES

Background

This section came into force on 8 November 2006, requiring all door supervisors to be licensed by the Security Industry Authority (SIA) where local authorities require this as a specific condition of an alcohol licence.

Section 21 of the Licensing Act 2003 imposes mandatory conditions on premises' licences in certain circumstances. As unamended, section 21 provided that where the premise's licence included a condition about the carrying out of a "security activity" the premise's licence must include a condition that the individuals carrying out that activity must be authorised to do so by a licence from the SIA under the Private Security Industry Act 2001. "Security activity" in this context means an activity to which paragraph 2 (1)(a) of Schedule 2 to the 2001 Act applies (manned guarding activities).

Impact

The amendment to section 21 ensures that the requirement for SIA authorisation in the mandatory condition will only apply in cases where the individuals in question are required to have a licence under the 2001 Act. This ensures that the scope of the requirement for SIA licensing for door supervision under mandatory conditions in the Licensing Act 2003 is not greater than the scope of the requirement under the original SIA legislation (the 2001 Act).

SECTIONS 26-27: ALCOHOL DISORDER IN PUBLIC PLACES

SECTION 26: DESIGNATED PUBLIC PLACES

Background

Section 26 corrects an unintended problem with Designated Public Places Orders (DPPOs) produced by the Crime and Policing Act 2001. When a venue is situated within a DPPO area, has a premises licence and the licence is being used to sell and/or supply alcohol, such a venue is, as a result of the amendments made by Section 26, now excluded from the DPPO.

Impact

Numbers of DPPOs are not published nationally. DPPOs were included in the 2010 Home Office review of tools designed to tackle anti-social behaviour. In February 2011, the Home Office consulted on proposals to simplify and streamline the tools designed to tackle anti-social behaviour in public spaces, including the DPPO. The next steps following that consultation will be announced shortly.

SECTION 27: DIRECTIONS TO INDIVIDUALS WHO REPRESENT RISK OF DISORDER

Background

Directions to Leave were commenced on 22 August 2007 for individuals aged 16 years of age and over. This gave the police the power to require an individual, or a group of individuals, to leave a locality for up to 48 hours, if they were likely to cause or contribute to alcohol related crime or disorder. The police are able to specify the size of the locality from which the individual is excluded, and for how long their exclusion lasts.

The Policing and Crime Act 2009 amended the age that an individual can be directed by the police using this power. It now applies to individuals aged 10 and over. This came into force on 29 January 2010.

Impact

Statistics on the numbers of Direction to Leave notices are not collated centrally. The police have reported this to be a useful power, however, as it allows them to remove individuals from an area before trouble starts or to stop problems escalating. In February 2011, the Home Office consulted on proposals to simplify and streamline the police powers to require people to leave an area if they are causing, or likely to cause, anti-social behaviour. The next steps following that consultation will be announced shortly.

PART 2: WEAPONS

SECTIONS 28-29: DANGEROUS WEAPONS

Background

The provisions in these sections of the Violent Crime Reduction Act 2006 (VCRA) were introduced to address the problem of people using other persons to keep dangerous weapons. Concerns had been raised in particular about the dangers to children and young people, who were believed to be put at risk of serious harm and of being drawn into violent crime as a result of being used to 'mind' dangerous weapons.

Impact

These sections were brought into force on 6 April 2007, but have rarely been used. The police and Crown Prosecution Service (CPS) report that it is often simpler to charge the offender with straightforward possession of a firearm. If there is sufficient evidence, a person who uses someone to mind a weapon may be guilty of possession in relation to either the period when they possessed the weapon before handing it over to be minded, or 'proprietary' or 'custodial' possession of the weapon if they still have access to it.

Section 29 specifies the sentencing framework for this offence with a maximum sentence of four years where the dangerous weapon in respect of which the offence was committed is a specified offensive weapon, knife or bladed weapon. Where the dangerous weapon is a prohibited firearm under section 5 of the Firearms Act 1968, a maximum sentence of ten years applies. In the absence of exceptional circumstances, a mandatory minimum sentence of five years applies where the offender is aged 18 or over (three years for those aged 16 and 17) at the time of conviction. Where the offender is aged 18 or over and the person used to mind the weapon is aged under 18, the court must treat this as an aggravating factor for sentencing purposes.

Statistical information on these offences can be found at <http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/criminal-justice-statistics-editions.htm>

Within the sentencing tables for 2010, table 5.13 details information on minimum sentences for firearms offences.

Schedule 2 to the VCRA specifies corresponding provisions for Northern Ireland.

SECTION 30: MINIMUM SENTENCES FOR FIREARMS OFFENCES

Background

Section 287 of the Criminal Justice Act 2003 introduced a mandatory minimum sentence for anyone convicted of having in their possession or purchasing, acquiring, manufacturing, selling, or transferring certain prohibited weapons under section 5 of the Firearms Act 1968. It requires courts to

impose custodial sentences of a term of at least five years for adults and three years for those aged 16 and 17.

The minimum term is imposed unless the court is of the opinion that there are exceptional circumstances relating to the offence or the offender which justify it not doing so. The intention was that anyone charged with another serious offence involving a relevant prohibited weapon would also be charged and prosecuted for unlawful possession of that weapon, thereby attracting the minimum sentence. However, this did not always happen. The then Government introduced section 30 of the VCRA, which amended section 51A of the Firearms Act 1968, to apply mandatory minimum sentences to a range of other serious firearms offences. This was brought into force on 6 April 2007.

Impact

Details on sentencing for firearms offences liable for a mandatory minimum custodial sentence are available within the Ministry of Justice tables referred to above. For those aged 18 and over, the average custodial sentence length (excluding life/indeterminate sentences) for firearms offences liable for a mandatory minimum custodial sentence increased from 28.1 months in 2003 to 53.8 months in 2010. For those aged 16 and 17, the average custodial sentence length increased from 11 months in 2003 to 29.3 months in 2010 (Ministry of Justice, 2011).

Legal

The issue of the inconsistent application of mandatory minimum sentences is long-standing. It relates principally to differing interpretations of 'exceptional circumstances' under the Criminal Justice Act 2003. In the leading case of *R v Rehman; R v Wood* [2006] Cr.App.R.(S.) 77, CA, the Court of Appeal held that circumstances were to be regarded as "exceptional" where to impose the minimum term would result in an arbitrary and disproportionate sentence. The reference in Section 51A of the Firearms Act 1968 to the circumstances of the offender was most important.

SECTIONS 31-34: AIR WEAPONS

Background

These sections of the Act restricted the sale of air weapons by way of trade or business to licensed firearms dealers and raised the minimum age for owning or buying an air weapon from 14 to 18. The sale of air weapons must now take place on a face to face basis and details of the sales recorded on a database.

Impact

Statistics show a steady reduction in the number of recorded offences involving the use of an air weapon in England and Wales over recent years.

The number of offences peaked in 2002/03, when 13,822 were recorded, then declined to 8,836 by 2006/07. In 2010/11 the number further reduced to

4,203. There has also been a significant reduction in the total number of air weapon injuries from 1,053 in 2006/07 to 450 in 2010/11, of which 415 were classed as slight injury. The Government will continue to monitor the misuse of air weapons and will not hesitate to take further action should this prove necessary.

Guidance

Please see Annex B for details of the Home Office circulars issued under these provisions.

SECTION 35: AMMUNITION

Background

This section of the VCRA makes it an offence for a person to sell to another a cap-type primer designed for use in metallic ammunition, or an empty cartridge case incorporating such a primer, unless the purchaser is a firearms dealer, holds a relevant firearm certificate or is otherwise permitted to purchase primers. This section also makes it an offence for a person to buy such a primer unless they fall within these categories.

Guidance

See Annex B for further details in relation to Home Office Circulars.

Impact

The lack of control on component parts of ammunition presented a loophole which criminals could exploit. The new requirements on the purchase of primers make it more difficult for criminals to home load their own ammunition. The Government is continuing its work with law enforcement partners to protect the public from gun crime.

SECTIONS 36-41: IMITATION FIREARMS

Background

Section 36 makes it an offence to manufacture, import or sell realistic imitation firearms or to modify an imitation firearm so that it becomes a realistic imitation firearm. The measure was introduced to reduce the pool of realistic imitation firearms available to those criminals who had passed them off as actual firearms in order to threaten and intimidate.

Given the legitimate uses for these replicas, Section 37 introduced a number of specified defences to the offence in section 36, including making realistic imitation firearms available for the purposes of: a museum or gallery; theatrical performances or rehearsals for such performances; film and television programmes; and the organisation of certain historical re-enactments.

Section 38 of the VCRA defines a realistic imitation firearm for the purposes of the offence in section 36 as an imitation firearm which has “an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm and is neither a deactivated firearm nor itself an antique.” An imitation firearm is to be considered distinguishable if its size, shape and principal colour are considered unrealistic for a real firearm (as specified in regulations 6 and 7 of the 2007 Regulations).

Section 39 makes it an offence to manufacture or import an imitation firearm which does not conform to specifications made by the Secretary of State. It also makes it an offence to modify an imitation firearm so that it does not conform to the specifications or to modify a firearm to create an imitation firearm which does not so conform. The intention was to put in place manufacturing standards which will prevent imitation firearms being converted to fire live ammunition.

Following concerns about the misuse of imitation firearms by young people, Section 40 made it an offence for a person under the age of 18 to buy an imitation firearm, and for someone to sell an imitation firearm to anyone under 18.

Section 41 increased from six months to 12 months the maximum custodial sentence for an offence under section 19(d) of the Firearms Act 1968 of carrying an imitation firearm in public without reasonable excuse. The offence became triable either way. It was considered that an increase in the penalty would send a tough message that carrying imitations in public without reasonable excuse, often with the intention of threatening or intimidating others, would not be tolerated.

Impact

Offences involving the use of an imitation firearm fell from 2,516 in 2006/07 to 1,610 in 2010/11. The Government will continue to monitor the incidence of misuse.

Guidance

See Annex A, list of secondary legislation – the Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007.

A Home Office Circular was published on 28 September 2007 explaining the provisions in the Act in relation to realistic imitation firearms and imitation firearms (as well as air weapons).

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/031-2007/>

SECTION 42-50: KNIVES

SECTION 42: INCREASE OF SENTENCING FOR KNIVES

Background

This section increases the maximum sentences for possession of a knife in a public place and in a school from two to four years. This was in response to increased concerns about knife crime. The increases in maxima were consistent with the different, though related, offence of possession of an offensive weapon under the Prevention of Crime Act 1953 for which the penalty is four years imprisonment.

Impact

Section 42 came into force in February 2007. The Ministry of Justice is currently undertaking a review of the evidence, as part of a wider piece of work. Data on sentencing for knife possession is available at <http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/knife-possession.htm>.

Guidance

A Home Office circular was published on commencement in February 2007: <http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/006-2007/>

SECTION 43-44 SALES ETC. OF KNIVES, CROSSBOWS AND OTHER WEAPONS

Background

These sections amend the Crossbows Act 1987, for sales of crossbows, and the Criminal Justice Act 1988, for the sale of knives. They both increase the legal age for purchase. For crossbows the age was increased from 17 to 18 years old and for knives it was increased from 16 to 18 years. These changes were made during a period of increased public concern about knife crime and knife-related injuries amongst young people and the amendments to legislation had wide public support.

Impact

It is not possible to quantify the direct impact of increasing the legal age of buying knives and crossbows. However, between 2008/09 and 2010/11 there was a nine per cent fall in police recorded knife and sharp instrument offences.¹ The increase in age of purchase was combined with strict enforcement action to prosecute traders who break this law, which can result in a £5,000 fine or six months imprisonment.

¹ West Midlands Police included unbroken bottle and glass offences in their returns until April 2010 but now exclude these offences in line with other forces. As such, their data are not comparable across this period.

SECTION 45-46: POWER OF STAFF MEMBERS TO SEARCH SCHOOL PUPILS FOR WEAPONS AND POWER TO SEARCH FURTHER EDUCATION STUDENTS FOR WEAPONS

Background

The proposal to introduce a power to search pupils without consent for knives and weapons was included in a speech by the then Secretary of State for Education and Skills on 18 November 2004.

At the time legislation existed which gave a head teacher or college principal power to keep order in their school or college, and made it illegal to carry an offensive weapon in school. A head teacher could search a pupil's bag or jacket with consent and ask the police to carry out a personal search. However, there was concern at the time that offenders might escape detection by refusing consent for a bag or jacket to be searched by a member of school staff, or by disposing of a weapon while the school asked the police to attend. The then Government said they wanted to deter the small minority of young people who were tempted to carry a weapon in school by making it clear that the school had the authority to search them on reasonable suspicion.

The Department for Education and Skills (DfES) consulted extensively on the issue through the members of its working group on school security (WGSS). They received no negative responses to the favoured option of schools being able to search on suspicion.

Section 45 inserted a new section 550AA into the Education Act 1996 and gave members of staff at a school the power to search for articles to which section 139 of the Criminal Justice Act 1988 applied or an offensive weapon within the meaning of the Prevention of Crime Act 1953.

Section 46 inserted a new section 85B into the Further and Higher Education Act 1992 and gave members of staff of an institution within the further education sector the power to search for the same articles.

Both new powers came into force in England on 31 May 2007.

Impact

Neither the Department for Education, nor the Department for Business Innovation and Skills, collects data at a national level on the use of these powers.

The Government believes that the power to search without consent for weapons backs the authority of school teachers and college staff to search pupils for these items and protects them from challenges to their authority to do so, either from pupils and students or parents.

The power also sends an important message to pupils and students who are tempted to bring weapons into school or college: these items may be found (and confiscated) as a result of a search.

Guidance

The Department for Education and Skills (now the Department for Education) issued 'Screening and Searching of Pupils for Weapons: Guidance for School Staff' in May 2007. Updated and revised guidance entitled 'Searching, Screening and Confiscation – advice for head teachers, staff and governing bodies' was published in July 2011.

Legislation/Regulation

Provisions in the Apprenticeships, Skill, Children and Learning Act 2009 (ASCL) extended the list of items that can be searched for without the pupil's consent to include alcohol, controlled drugs and stolen items ('prohibited items')². The ASCL provisions also included a power to make regulations to add to the list of prohibited items. The extended powers came into force on 1 September 2010.

Regulations add tobacco and cigarette papers, fireworks and pornographic images to the list of prohibited items in respect of schools were made on 27 March 2012 and came into force from 1 April 2012. Regulations in respect of Further Education Colleges will be made later in 2012 and will be subject to affirmative resolution in both Houses of Parliament.

In addition, a provision in the Education Act 2011 extends the power to search pupils and students in Further Education colleges without consent to include any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil or student).

Provisions will also permit searches in schools for any other item banned by the school rules which has been identified in the rules as an item which may be searched for.

² In December 2007 the then Secretary of State for the Children, Schools and Families Department, asked Sir Alan Steer to review the progress made in raising standards of behaviour and discipline in schools since the publication of the 2005 report 'Learning Behaviour' (Sir Alan Steer chaired the group of expert practitioners which produced the 2005 report). Sir Alan's third report on behaviour, published on 14 July 2008, called for an extension of the legal power for schools to search pupils for weapons. He recommended that the new power should be framed in broad terms "so as to enable schools to search for any item that pupils ought not to be bringing into schools". However it was decided that the extended power should not cover all potentially inappropriate items but focus on three key categories of item that Alan Steer particularly highlighted i.e. alcohol, illegal drugs and stolen property.

SECTION 47: ATTENDANCE CENTRES - POWER TO SEARCH FOR WEAPONS

Background

Attendance Centres had existing powers to search before the VCRA which included the power to undertake non-contact searches or “screening” with electronic devices those wishing to enter, or already on the premises of, an Attendance Centre.

Following consultation with Attendance Centre managers, the then Government decided to supplement existing powers by including in the VCRA a power to allow authorised Attendance Centre personnel to carry out searches if there was reasonable grounds for suspecting the attendee was carrying a knife or offensive weapon. This power came into effect on 1 October 2007.

Section 47 of the VCRA grants to Officers in Charge, and personnel they authorise, a new power to search a “relevant person” on the premises. The term “relevant person” means a person who is required to attend the Attendance Centre by virtue of a:

- community order;
- suspended sentence order;
- intermittent custody order; or
- an attendance centre order.

Such a person is referred to as “an attendee”.

The power may be exercised when the officer in charge or authorised member of staff has a reasonable suspicion that an attendee has in his possession a knife or offensive weapon on the premises of an Attendance Centre. When Attendance Centre personnel decide to conduct a search, they must follow the conditions set out in section 47. Such force as is reasonable in the circumstances for exercising that power may be used, i.e. if necessary a search may be conducted without consent but staff need to be aware of the potential problems of doing so.

Impact

There has not been a widespread adoption of the powers but they have been used on a discretionary and selective basis. In Attendance Centres in areas with a local gang or weapons carrying problem the powers have been used on a more routine basis.

Guidance

The Ministry of Justice issued ‘Guidance for Attendance Centre Personnel Searching Attendees for Weapons’ in 2007.

SECTION 48: AMENDMENT TO POLICE POWERS TO SEARCH SCHOOLS ETC. FOR WEAPONS

Background

This section was commenced on 31 May 2007 and permits the police to search schools for weapons on the basis of suspicion that individuals are in possession of weapons. This change was to reduce the threshold for a constable to exercise his or her powers of entry and search of a school, and persons on school premises, for weapons from 'reasonable grounds for believing' to 'reasonable grounds for suspecting'. This ensures both consistency with the powers in sections 45 to 47 and that the police have the necessary powers to tackle weapons in schools.

Impact

Data on the number of searches is not held centrally. The Home Office will work with ACPO to continue to review this power.

SECTION 49

See Schedule 1 of Annex A for details of consequential amendments in relation to minimum sentencing.

SECTION 50: CHANGES TO POLICE POWERS

These are supplementary provisions in relation to how part 2 of the VCRA should be interpreted in relation to the firearms Acts.

SECTION 51 AND SCHEDULE 2: CORRESPONDING PROVISIONS FOR NORTHERN IRELAND

Provisions relating to Northern Ireland will not be covered in this assessment but will be carried out by the Northern Ireland Assembly as part of their own system for post-legislative scrutiny.

PART 3: MISCELLANEOUS

SECTIONS 52-53: FOOTBALL

SECTION 52: FOOTBALL RELATED DISORDER

Background

The purpose of this section was to refine and improve the football banning order legislation introduced in the Football (Disorder) Act 2000 (created in the wake of the disorder in Belgium during the Euro 2000 championship). The changes reflected six years of government, police and courts experience and consultation with the police, Crown Prosecution Service (CPS) and other partner agencies.

The main objectives:

- To enable the prosecution to appeal against a court's non-imposition of a ban.
- To enable a Chief Officer to make a "complaint" banning order application (under section 14B of the Football Spectators Act 1989) irrespective of residence.
- To empower the Crown Prosecution Service to make 14B applications.
- To require the subject of a banning order to notify the Football Banning Orders Authority (FBOA) within 7 days of any change of address, name or passport details.
- To require notification of the FBOA of any appeal against the imposition of a football banning order or an application for termination of an order.
- Courts are no longer able to remove the passport surrender requirement when issuing a ban.
- The duration of a 14B order becomes 3 to 5 years, having been necessarily increased to reflect the level of risk posed by individuals meeting the two stage test (i) it is proved that the person has caused or contributed to any violence or disorder, and (ii) the court is satisfied that there are reasonable grounds to believe making an order would help prevent violence or disorder at or in connection with any regulated football matches.
- Section 4A Public Order Act offences (intentional harassment, alarm or distress) were added to the list of offences that automatically prompt a football banning order hearing. Such offences are just as serious, if not more so, than section 5 offences (harassment, alarm or distress), which were already covered, as the offence is intended to cover behaviour that causes fear or provokes violence.
- Documentation or reporting requirements sent 1st class post by the FBOA are deemed served.

Impact

The provisions came into force on 6 April 2007 and have been highly effective enhancements to football banning order legislation. The standardisation of the duration of Section 14B orders with those issued under Section 14A helps

deter football disorder and incentivises the police to apply for such orders. It has contributed to a 19.6% decrease in arrests for football-related disorder over the four seasons since April 2007. (The number of arrests has declined from 3,842 to 3,089).

For example -

- The prosecution has made careful use in exceptional circumstances of its right to appeal to seek redress against a court's non-imposition of a ban.
- Section 14B applications have been made in a fairer and more efficient manner, in particular with greater Crown Prosecution Service involvement. This has been consistent with the targeted approach of using the legislation and ensured that cases against offenders are prepared and presented by the local force in possession of all the available evidence.
- The FBOA has been able to ensure greater compliance with the conditions of banning orders, negating intentional or otherwise non-compliance and use of "loop-holes".
- All newly issued football banning orders automatically include a requirement for the subject to surrender their passport in accordance with Part 2 of the 1989 Act in connection with regulated matches outside the UK. This has ensured effective use of banning orders to prevent high risk supporters from travelling to matches outside the UK. There is scope for the FBOA to exempt individuals from the reporting requirement on a case by case basis.

Guidance

Guidance (combining sections 52 and 53) was produced to aid police forces, the UK Football Policing Unit, CPS and others. This document was issued on 4 April 2007.

<http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/documents/VCRA-football-guidance.html/>

SECTION 53: SALE AND DISPOSAL OF TICKETS BY UNAUTHORISED PERSONS

Background

This section amended the basis for prosecuting ticket touts in connection with the unauthorised sale of football match tickets. The aim was to redress current inconsistencies and gaps in the ticket touting laws that apply to football matches. The motivation here was public order rather than commercial considerations.

The ticket touting legislation contained in section 166 of the Criminal Justice and Public Order Act 1994 is a public order provision explicitly applied to football in view of the importance in segregating rival fans in order to reduce the potential for disorder.

The Act extends only to England and Wales. However, if one or more parts of the chain of an internet ticket touting transaction for a regulated match occurs within the Act's jurisdiction, for example the physical location of the financial transaction between seller and buyer or a third party passing the ticket to the seller, then the transaction is covered by the Act.

Section 53 covers practices touts undertook specifically to avoid the 1994 law e.g. offering an item of nominal value (such as a pen or scarf) plus a "free" match ticket at an inflated price, offering unauthorised hospitality-style packages with ticket included - which are merely ticket touting with a further expensive service tacked on, and prevents advertising unauthorised sale of tickets.

Impact

The aim of the new provisions was to empower the police to act against ticket touting in circumstances where the activity increases public order risks through a breakdown in the segregation of rival fans. As is the case in respect of other police use of the ticket touting provisions, these measures have been used in a targeted way, continuing common-sense application of the law. This legislation has removed the touting of football tickets from all reputable websites such as eBay and ended ambiguous practices which are merely ticket touting through the offer of further expensive goods or services added.

Guidance

Guidance (combining sections 52 and 53) was produced to aid police forces, the UK Football Policing Unit, CPS and others. This document was issued on 4 April 2007.

<http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/documents/football-ticket-touting.html>.

Further ticket touting guidance was issued in May 2009.

<http://tna.europarchive.org/20100413151441/http://www.homeoffice.gov.uk/documents/football-ticket-touting.html>.

SECTION 54-58: SEXUAL OFFENCES

SECTION 54: FORFEITURE AND DETENTION OF VEHICLES ETC.

This Section introduces Schedule 4 to the VCRA. See Schedule 4 for further details.

SECTION 55: CONTINUITY OF SEXUAL OFFENCES

Background

The Sexual Offences Act 2003 amended and repealed various statutes, mainly the Sex Offenders Act 1997, that dealt with sexual offences. Upon Royal Assent not all the provisions were enacted and section 141 of the 2003 Act contained a provision which enabled the Secretary of State to specify by

order how and when the measures in the Act would come into force. The majority of the provisions were brought into force under the Sexual Offences Act 2003 (Commencement) Order 2004 (SI 2004/874) on 1 May 2004, but this order did not make it sufficiently clear when prosecutions would be under the old law or the new law. The courts had found that if the prosecution could not prove beyond reasonable doubt which offence had been committed and when i.e. whether before or after the 1 May 2004, then the offender could not be convicted and would be acquitted (in the case of R.v.C [2005] EWCA Crim 3533 and R.v.A (Prosecutor's Appeal) [2006] Cr. App. R.)

Section 55 of the VCRA was inserted following this omission, setting out the transitional arrangements from previous legislation to the new law, in relation to the Sexual Offences Act 2003.

Impact

This part of the VCRA applies to cases where it cannot be proved that the sexual offence took place either before or after the commencement of the Sexual Offences Act 2003. It is now presumed that the offence was committed after commencement (1 May 2004), unless the maximum pre-commencement penalty is less than the maximum penalty under the 2003 Act, in which case the conduct will be deemed to have taken place before the repeal of the pre-sexual offences under the Sexual Offences Act 2003.

Legal Issues

Sexual offences against children – see in relation to the case in R.v.C [2005] EWCA Crime 3533 at <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Crim/2005/3533.html&query=r.v.newbon&method=boolean#disp0>

In the case of R.v.Newbon [2005] Crim L.R. 738, the defendant was accused of rape of a minor. The defendant was charged on indictment on two counts; one under the Sexual Offences Act 1956 for rape and for the same charge under the Sexual Offences Act 2003. As the victim could not recall when the offence took place, and the court could not ascertain from the evidence during the trial whether the offence took place before or after 1 May 2004, the defendant was acquitted of the charges as the trial judge ruled that given that it was not possible to ascertain which law had been contravened, and the jury could not be certain which of the two counts had been made out. There was therefore no case to answer.

SECTION 56: CROSS BORDER PROVISIONS RELATING TO SEXUAL OFFENCES

Background

This provision in the VCRA was introduced to amend the Sexual Offences Act 2003 in relation to the offences under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, that was introduced in Scotland. The 2005 Act created several new criminal offences in relation to

children and those under the age of 18. It also amended the process of obtaining a Sexual Offences Prevention Order (SOPO), which meant that courts could issue the order otherwise than through an application from the police and created the Risk of Sexual Harm Order (RoSHO).

Impact

As the Sexual Offences Act 2003 already introduced court-issued SOPOs and RoSHOs within the United Kingdom, section 56 provides that where a qualifying offender is subject to a SOPO under the 2005 Act, it is an offence in England, Wales and Northern Ireland if the offender were to contravene the conditions of a SOPO that he was issued under the Scottish law.

Offenders subject to a SOPO were also made subject to Part 2 of the Sexual Offences Act 2003 in relation to the notification requirements where they need to register certain personal details to a prescribed police station in their local police force area.

SECTION 57: AMENDMENT OF SECTION 82 OF THE SEXUAL OFFENCES ACT 2003

The purpose of this section was to amend section 82 of the Sexual Offences Act 2003, which sets out the thresholds for the notification period that a relevant offender is subject to, depending on the penalty given to him. Section 57 ensures that people 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 2003 for an indefinite period.

SECTION 58: POWER OF ENTRY AND SEARCH OF RELEVANT OFFENDER'S HOME ADDRESS

Background

Section 58 of the Violent Crime Reduction Act 2006 inserted a new section 96B into the Sexual Offences Act 2003 to create a new police power to search and enter the home of a registered sex offender for the purposes of assessing risks that the offender may pose. (A registered sex offender is someone who has been convicted of, or cautioned for, certain specified offences, and who is subject to the notification requirements under section 82 of the Sexual Offences Act 2003).

The new section enables the police to apply for a warrant from the magistrates' court to enter and search the address of a registered sex offender (or a place where there are grounds to believe the offender resides or can be regularly found) where there have been two failed attempts to enter a specified premises. In order to secure a warrant, certain conditions will need to be met: the offender must not be in custody or detained in a hospital; must not be outside the United Kingdom and a police constable must have

tried on at least two occasions without success to gain access to the premises in order to conduct a risk assessment.

The Government is committed to rolling back intrusive State powers. The new Protection of Freedoms Bill helps to restore the balance between protecting the public and strengthening the rights and protections of homeowners and businesses. It requires Ministers to review their powers of entry to ensure they are necessary, proportionate and contain adequate safeguards. Any powers that are no longer needed will be repealed.

This power provides police with a valuable tool in assessing the risk posed by an offender. We consider that the current thresholds surrounding the use of this power ensures that it contains sufficient safeguards.

Impact

Although there were already powers for a police constable to enter premises in order to arrest an offender for an indictable offence, or to search a premises where the offender might be located for the purposes of collecting evidence, this new power was designed to enable the police to gather information they need to risk assess registered sexual offenders to determine the level of harm they pose, as set out above.

At the time of drafting there is an ongoing judicial review in relation to this power (challenging the extent to which the section 96B powers are compatible with the ECHR). Permission to proceed to a substantive hearing has been granted.

Guidance

Home Office circular 017/2007 issued on 23 May 2007. Please refer to Annex A of this Memorandum for the list of Home Office Circulars.

SECTION 59: LIMITATION PERIOD FOR ANTI-SOCIAL BEHAVIOUR ORDERS

Background

Subsection (1) of this section of the VCRA, amends section 1 of the Crime and Disorder Act 1998 to make provision in respect of the interplay between that provision and the Magistrates' Courts Act 1980 in respect of information laid or complaints made in magistrates' courts for anti-social behaviour orders. It provides that nothing in section 1 of the Crime and Disorder Act 1998 affects the operation of section 127 of the Magistrates' Courts Act 1980. Consequently some evidence of anti-social behaviour conduct within the six-month period preceding the application is necessary to obtain an anti-social behaviour order. Subsection (2) amends the Anti-Social Behaviour (Northern Ireland) Order 2004 to ensure this also applies to ASBOs being sought in Northern Ireland.

Impact

Not applicable – this is a technical change. ASBOs were included in the 2010 Home Office review of tools designed to tackle anti-social behaviour. In February 2011, the Home Office consulted on proposals to simplify and streamline the tools available to deal with anti-social behaviour by individuals, including the ASBO. The next steps following that consultation will be announced shortly.

SECTION 60: PARENTING ORDERS**Background**

This section amends the Crime and Disorder Act 1998 (“the 1998 Act”) to take account of the Sexual Offences Act 2003. Currently section 8 of the 1998 Act provides for a court to make a parenting order in the same proceedings in which it makes a sex offender order in respect of a child or young person. The Sexual Offences Act 2003 repealed the sex offender order provisions and replaced them with sexual offences prevention orders (“SOPOs”). Subsection (2)(a) amends section 8 of the 1998 Act by replacing the reference to a sex offender order with a reference to a SOPO thus allowing courts to make a parenting order in the same proceedings in which it makes a SOPO against a child or young person, provided it would be desirable in preventing a repetition of the kind of behaviour that led to the SOPO being made. Subsection (2)(b) defines a SOPO by reference to section 104 of the Sexual Offences Act 2003. Subsection (3) removes the redundant definition of a sex offender order from the 1998 Act. Subsection (4) provides that parenting orders will be available in proceedings in which a SOPO is made before as well as after this Act is passed.

Impact

Not applicable – this is a technical change.

SECTION 61: COMMITTAL OF YOUNG PERSONS OF UNRULY CHARACTER**Background**

The Crime and Disorder Act 1998, which made provision for indictable-only offences to be sent rather than committed to the Crown Court, made numerous consequential amendments to other pieces of legislation, adding ‘sent’ where there was a reference to cases being committed; and further such amendments were made by the Criminal Justice Act 2003, Schedule 3 which extends the sending procedure to either-way offences. But the reference in section 23(1)(a) of the Children and Young Persons Act 1969 (CYPA) to a person being committed for trial was not amended in this way. The purpose of section 61 of the Violent Crime Reduction Act 2006 was to correct this missed consequential, but appears itself to have been overlooked, as it has never been brought into effect. Amendments made to section 23 of

the CYPA 1969 by the Legal Aid, Sentencing and Punishment of Offenders Bill now before Parliament will render section 61 superfluous.

SECTION 62: OFFERING OR AGREEING TO RE-PROGRAMME A MOBILE TELEPHONE

Background

This section widened the categories of persons who could be proceeded against under the Mobile Telephones (Re-Programming) Act 2002. Mobile phones have a unique identifier called an International Mobile Equipment Identity (IMEI) number, which is a 15-digit unique device identifier present in every handset. This identifier is used by the industry to block any phone which is reported lost or stolen making it unusable on any UK network. The 2002 Act made it illegal to change the IMEI number on a mobile phone handset, which is known as re-programming. Section 62 of the Violent Crime Reduction Act 2006 strengthened the original legislation by making it an offence to offer or agree to change or interfere with the unique identifier (IMEI number) of a mobile phone, either directly or through a third party. These additional offences were not dependent on re-programming actually taking place. Re-programming is rarely witnessed and therefore difficult to prosecute. Section 62 means that the police do not require evidence that an individual actually re-programmed the phone before they can lay charges, just that they offered or agreed to do so.

Impact

Prosecutions for re-programming mobile phone offences can be made under the 2002 Act or under the offences added by section 62 of the VCRA.. The Police National Computer records five prosecutions under section 62 in the last 18 months.

Since 2002, re-programming has become a less critical issue partly because of the legislative deterrent, but also because the equipment and expertise to do so has become prohibitively costly compared with the profits to be made. Manufacturers have also increased the security of handsets to prevent interference with the IMEI number.

In the last two years the illegal export of stolen mobile phones has grown due to the effective use of blocking of stolen phones for use in the UK. The Source Unit for the National Mobile Phone Crime Unit indicates that re-programming has fallen 70% in the last 5 years. (This figure is based on informant and contacts in the industry). The legislation provides an effective deterrent and remains an important tool in tackling levels of robbery (most of which involve theft of a mobile phone), and because mobile phone technology changes constantly.

SECTION 63: REMOVAL OF SPORTS GROUNDS ETC. FROM PRIVATE SECURITY INDUSTRY REGULATION

Background

This section amends section 4 of the Private Security Industry Act 2001 to exempt certain in-house staff who work at certified sports grounds or certified sports stands from the licensing requirements of that Act, including persons employed by visiting teams. (Staff on external contracts still require the appropriate SIA licence). The rationale is that those affected are subject to suitable alternative regulation set out in other Acts of Parliament, and therefore do not also need to be licensed by the Security Industry Authority (SIA). The purpose is to avoid having two overlapping alternative systems of regulation, which it is considered would be unnecessary or excessive.

Impact

The amendment came into force on 8 November 2006, on Royal Assent of the VCRA 2006. Data is not available on the number of individuals who have not had to apply for a SIA licence as a result.

Guidance

The SIA has issued guidance – see page 7 of their Guidance on Events at http://www.sia.homeoffice.gov.uk/Documents/licensing/sia_security_at_events.pdf This states, “Exemption from licensing (in England and Wales only) applies to in-house employees when carrying out duties in connection with their employer’s use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect. Employees of a visiting team to such premises are also exempt provided that the visiting team has a certified sports ground or stand. For a more precise description of the exemption see section 4(6) to 4(12) of the Private Security Industry Act 2001 as amended and the explanatory notes to section 63 of the Violent Crime Reduction Act 2006.”

Further Legislation/Regulations

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment No. 2) (England and Wales) Order 2006 (SI 2006/3290) was made to enable the football authorities to be able to request Criminal Records Bureau (CRB) checks in respect of football security staff removed from the licensing requirement of the 2001 Act.

SCHEDULE 1: CONSEQUENTIAL AMENDMENTS RELATING TO MINIMUM SENTENCES

This part of the VCRA sets out the consequential amendments to pre-existing legislation relating to the minimum sentences provisions of Part 2.

Schedule 1 was commenced on 6 April 2007:
<http://www.legislation.gov.uk/ukxi/2007/858/article/2/made>

SCHEDULE 2: WEAPONS ETC. CORRESPONDING PROVISION FOR NORTHERN IRELAND

Provisions relating to Northern Ireland will not be covered in this assessment but will be carried out by the Northern Ireland Assembly as part of their own system for post-legislative scrutiny.

SCHEDULE 3, PARTS 1 AND 2: FOOTBALL BANNING ORDERS

Part 1 of this Schedule makes much of the substantive change referred to earlier. Part 2 of the Schedule makes the consequential amendments that are needed to be reflected within enacted legislation, in relation to football disorder, following the insertion of sections 52 and 53 into the Violent Crime Reduction Act 2006.

SCHEDULE 4: FORFEITURE AND DETENTION OF VEHICLES

Background

Section 54 of the VCRA inserts Schedule 4 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.

Impact

Court proceedings data held centrally does not identify if courts are ordering the forfeiture or detention of vehicles, ships or aircraft used in relation to offences of trafficking for sexual exploitation. The detailed information may be held by the courts on individual cases which due to their size and complexity are not reported to Justice Statistics Analytical Services.

Violent Crime Reduction Act 2006

List of Commencement Orders (in chronological order):

- The Violent Crime Reduction Act 2006 (Commencement No. 1) Order 2007 (2007/74) bringing provisions into force 12 February 2007
- The Violent Crime Reduction Act 2006 (Commencement No. 2) Order 2007 (2007/858) bringing provisions into force 6 April 2007 and 31 May 2007
- The Violent Crime Reduction Act 2006 (Commencement No. 3) Order 2007 (2007/2180) bringing provisions into force 22 August 2007 and 1 October 2007
- The Violent Crime Reduction Act 2006 (Commencement No. 4) Order 2007 (2007/2518) bringing provisions into force 1 October 2007
- The Violent Crime Reduction Act 2006 (Commencement No. 5) Order 2008 (2008/791) bringing provisions into force 1 April 2008 and 6 April 2008
- The Violent Crime Reduction Act 2006 (Commencement No. 6) Order 2008 (2008/1407) bringing provisions into force 5 June 2008
- The Violent Crime Reduction Act 2006 (Commencement No. 7) Order 2009 (2009/1840) bringing provisions into force 31 August 2009
- The Violent Crime Reduction Act 2006 (Commencement No. 8) Order 2010 (2010/469) bringing provisions into force 1 April 2010
- The Violent Crime Reduction Act 2006 (Commencement No. 1) (Wales) Order 2010 (2010/2426) bringing provisions into force 31 October 2010
- The Violent Crime Reduction Act 2006 (Commencement No. 9) Order 2010 (2010/2541) bringing provisions into force 1 November 2010

Secondary Legislation:

- **The Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 (2007/2006)** came into force 1 October 2007: These Regulations have been made in relation to the implementation of Sections 36 to 38.

Paragraph 3 provides two further defences for organised airsoft skirmishing (defined as 'permitted activities') and for the display of realistic imitation firearms at a commercial event.

Paragraph 5 of the Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 clarifies that those relying on the defence must have third party liability insurance

Paragraphs 6 and 7 of the Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 specify that imitation firearms which have a height less than 38mm and a length less than 70mm or which are transparent, bright red, bright orange, bright blue, bright yellow, bright green, bright pink and bright purple are considered unrealistic for a real firearm.

The following circular was published just prior to 1 October 2007 when the changes took effect:

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/031-2007/>

- **The Violent Crime Reduction Act 2006 (Drinking Banning Orders) (Approved Courses) Regulations 2009 (2009/1839)** came into force 31 August 2008. The purpose of these regulations is to provide provision for the approved courses, which an individual may agree to attend as part of a DBO. The instrument sets out how applications by course providers must be made in order for their course to be approved by the Secretary of State for the purposes of DBOs. It sets out the arrangements for monitoring the approved courses, and prescribes the forms to be used to show completion or non-completion of an approved course.

Home Office Circulars

The following Home Office Circulars were issued to a range of partners and practitioners, mainly police forces, local authorities and other key criminal justice partners to draw their attention to the commencement of the provisions and key changes to enacted legislation.

Home Office Circular 033/2006 – Cross-border provisions relating to sexual offences (issued on 14 November 2006)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2006/033-2006/>

Home Office Circular 006/2007 – Violent Crime Reduction Act 2006: details of commencement of Statutory Instrument 2007/74 (issued on 17 February 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/006-2007/>

Home Office Circular 011/2007 – Violent Crime Reduction Act 2006 – Mobile Telephones (Re-programming) Act 2002 (issued on 30 March 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/011-2007/>

Home Office Circular 012/2007 – Violent Crime Reduction Act 2006 (Commencement No.2) Order 2007: Firearms measures (issued on 4 April 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/012-2007/>

Home Office Circular 013/2007 – The Local Authorities (alcohol consumption in designated public places) regulations 2007 (issued on 10 April 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/013-2007/>

Home Office Circular 017/2007 – Power of search and entry to risk assess sex offenders subject to the notification requirements (issued on 23 May 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/017-2007/>

Home Office Circular 026/2007 – Commencement of Section 27 of the Violent Crime Reduction Act 2006: Alcohol-related crime (issued on 22 August 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/026-2007/>

Home Office Circular 030/2007 – Violent Crime Reduction Act 2006 (Commencement No. 3) Order 2007: Sale of knives and crossbows (issued on 21 September 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/030-2007/>

Home Office Circular 031/2007 – The Violent Crime Reduction Act 2006 (Commencement No. 3) Order 2007: Firearms measures (issued on 28 September 2007)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2007/031-2007/>

Home Office Circular 013/2009 – Drinking Banning Orders (issued on 28 August 2009)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2009/013-2009/>

Home Office Circular 003/2010 – Drinking Banning Orders on conviction (issued on 15 March 2010)

<http://www.homeoffice.gov.uk/about-us/home-office-circulars/circulars-2010/003-2010/>

During the passage of the Bill the Joint Committee on Human Rights underwent a scrutiny of certain provisions of the clauses that may interfere with human rights. The Committee published its report which can be found here:

<http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/90/9002.htm>

The House of Commons Library published a research paper in 2005 that set out the

<http://www.parliament.uk/documents/commons/lib/research/rp2005/RP05-049.pdf>



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