

Legislation: Statutory Instrument
(SI)

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e.g. Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004, SI 2004/3166

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STATUTORY INSTRUMENTS

2004 No.3166

CRIMINAL LAW, ENGLAND AND WALES

The Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004

Made - - - - - *2nd December 2004*
Coming into force - - - - - *26th December 2004*

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 2(6) and (7) of the Criminal Justice and Police Act 2001(a), hereby makes the following Order, a draft of which has been laid before Parliament and approved by a resolution of each House, in accordance with section 2(9) of the Criminal Justice and Police Act 2001(b):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004 and shall come into force on the twenty fourth day after the day on which it is made.

(2) In this Order –

“chief officer of police” in relation to any penalty notice means the chief officer of police for the police area in which the offence to which the notice relates is alleged to have been committed or, if the penalty notice was given by a member of the British Transport Police, the Chief Constable of the British Transport Police(c);

“guardian” means a person who has for the time being the care of a young penalty recipient and includes a local authority who have parental responsibility for a young penalty recipient who is in their care or is provided with accommodation by them in the exercise of any social services functions;

“local authority” and “parental responsibility” have the same meanings as in the Children Act 1989(d);

“social services functions” in relation to a local authority has the meaning given by section 1A of the Local Authority Social Services Act 1970(e);

“young penalty recipient” means a person under the age of 16 who is given a penalty notice(f);

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

(a) Sections 2(6) and (7) are inserted by section 17(3) of the Anti-social Behaviour Act 2001 (c. 30).
(b) 2001 c. 16, section 2(9) is inserted by section 17(3) of the Anti-social Behaviour Act 2001 (c. 30).
(c) Chief officer of police has the meaning given to it in section 101 of the Police Act 1996 (c. 16), by virtue of Schedule 1 to the Interpretation Act 1979 (c. 30), as amended by Schedule 7 to the Police Act 1996 and includes the Chief Constable of the British Transport Police by virtue of the definition in section 11 of the 2001 Act.
(d) 1989 c. 41.
(e) 1970 c. 42; section 1A is inserted by section 10(2) of the Local Government Act 2000 (c. 22).
(f) Penalty notice is defined in section 2(4) of the 2001 Act.