

(b) having left again enters the land within the period of 7 days beginning with the day on which the direction was given,

he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale, or both.

(7) In proceedings for an offence under this section it is a defence for the accused to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or, as the case may be, for again entering the land.

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(8) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without a warrant.

(9) This section does not apply—

(a) in England and Wales, to a gathering in relation to a licensable activity within section 1(1fc) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of section 136 of that Act.

(b) in Scotland, to a gathering in premises which, by virtue of section 41 of the Civic Government (Scotland) Act 1982, are licensed to be used as a place of public entertainment.

(10) In this section—

2

"exempt person", in relation to land (or any gathering on land), means the occupier, any member of his family and any employee or agent of his and any person whose home is situated on the land.

"land in the open" air includes a place partly open to the air.

3

"occupier"

"trespasser"

and **"vehicle"** have the same meaning as in section 61.

4

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Notes

Words repealed by Anti-social Behaviour Act 2003 c. 38 Sc.h.3 oara.1 (January 20, 2004 as Si 2003/3300)

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Substituted by Licensing Act 2003 c. 17 Sch.6 oara.111 (November 24, 2005)

(a) Definition repealed by Licensing Act 2003 c. 1. Sch.7 oara.1 (November 24, 2005 as SI 2005/3056)

(4) Repealed by Licensing Act 2003 c, 17 Sch.7 para.1 (November 24, 2005 as SI 2005/3056)

(5) Amended by Anti-social Behaviour Act 2003 c. 38 PI 7 s.58 (January 20, 2004)

(6) Repealed subject to transitory provisions specified in SI 2005/3495 art.2(2) by Serious Organised Crime and Police Act 2005 c. 15 Sch.17f2t para.1 (January 1,2006: repeal has effect subject to transitory provisions specified in SI 2005/3495 art.2(2))

(7) Note not available

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