

BREACH OF 'REGULATED MATCH' BANNING ORDER

Justice Act (NI) 2011

- 41.– (1) This section applies where a person (the “offender”) is convicted of an offence by or before a court.
- (2) If the court is satisfied that—
- (a) the offence is one to which subsection (4) applies; and
 - (b) there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated matches,
- it must make such an order in respect of the offender.
- ...
- (4) This subsection applies to an offence if—
- (a) the offence involved the person who committed it engaging in violence or disorder; and
 - (b) the offence was committed—
 - (i) at a regulated match or while the person committing it was entering or leaving (or trying to enter or leave) the ground;
 - (ii) on a journey to or from a regulated match; or
 - (iii) otherwise, where it appears to the court from all the circumstances that the offence was motivated (wholly or partly) by a regulated match.
- ...
- 49.– (1) A person subject to a banning order who fails to comply with any requirement imposed by the order is guilty of an offence.

Maximum Sentence:

Justice Act (NI) 2011, section 49(2)

Summary only: 6 months imprisonment or a fine not exceeding Level 5 (£5,000) or both

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Breach of a technical nature	Fine	Fine to Community Order
Breach of a fundamental nature	3 months Custody	Community Order to 6 months Custody

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
1. Planning or pre-meditation 2. Offender involves other persons to assist in the offence 3. Offence caused children to be distressed/frightened 4. Offence motivated by, or demonstrating, hostility to victim on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.*	N/A

Relevant Cases:

NI Cases:

N/A

English Cases:

N/A

Notes:

- 1.*Where a court finds the offence was aggravated by ‘hostility’ it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2)