



Please note that this is a revised version

TITLE **CRIMINAL JUSTICE AND POLICE ACT 2001 (S1 – 11): ADDITION OF ROYAL PARK OFFENCES TO THE PENALTY NOTICE FOR DISORDER SCHEME**

From: Effective Sentencing Policy
Ministry of Justice

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Broad subject: Penalty Notice for Disorder scheme

Sub category: Addition of Royal Park Offences to the Penalty Notice for Disorder scheme

This circular supersedes:

This circular is for: Chief Officers of Police, Association of Chief Police Officers, HM Chief Inspector of Constabulary, Chairmen of Police Authorities, Association of Police Authorities.

Copies are being sent to: Lord Chief Justice, President of the Queen's Bench Division, Senior Presiding Judge, Lords of Appeal in Ordinary, Lords Justices of Appeal, High Court Judges, Crown Court Judges, District Judges (Magistrates' Courts), Chairman of Justices, Clerks to the Justices, Judicial Studies Board, Council of Circuit Judges, Magistrates' Association, Justices' Clerks' Society, HMCTS Cluster Managers, Police Federation, Police Superintendents' Association, National Crime Registrar, Youth Justice Board and the Home Office.

Criminal Justice and Police Act 2001 (s1 – 11) Penalty Notice for Disorder Police Operational Guidance: Royal Park offences

1. On 22 May 2012, both Houses of Parliament approved The Criminal Justice and Police Act 2001 (Amendment) Order 2012 to add further offences in respect of which a penalty notice may be given.

The Order adds the following offences listed in the Royal Parks and Other Open Spaces Regulations 1997 (No. 1639 of 1997) to the Table in section 1 of the 2001 Act to the PND scheme:

- Regulation 3(3) dropping or leaving litter or refuse;
- Regulation 3(4) illegal cycling
- Regulation 3(6) dog fouling

The offences were added via secondary legislation made under the affirmative resolution procedure.

2. The Order applies to the following Royal Parks and Open Spaces included in Schedule 1 of the Royal Parks and Other Open Spaces Regulations 1997:

St. James's Park and The Green Park, Hyde Park, Kensington Gardens, Richmond Park, The Regent's Park, Bushy Park, Brompton Cemetery, Canning Green, being the lawn on the land bounded by Great George Street, Parliament Square, Broad Sanctuary and Little George Street, London SW1, The garden surrounding the Jewel Tower and the lawn surrounding the King George V Memorial, on Abingdon street, London SW1, The Longford River and those parts of its banks which are for the time being under the control or management of the Secretary of State, Greenwich Park, being those parts of the Park which are for the time being under the control or management of the Secretary of State, The Grosvenor Square Gardens, Hampton Court Gardens, Hampton Court Green, Hampton Court Park, Natural History Museum Gardens, Primrose Hill, , Tower Gardens and Victoria Tower Gardens.

3. The Penalties for Disorderly Behaviour (Amount of Penalty) (Amendment) Order 2012 sets the penalty amounts at the lower tier level of £50. This is because section 3 (2) of the 2001 Act specifies that the penalty amount for a penalty offence must not exceed a quarter of the amount of the maximum fine for which a person is liable on summary conviction of the offence, which in the case of all three Royal Parks offences is £200. The penalty amounts must therefore not exceed £50.
4. A £50 penalty notice may be issued where a police officer has reason to believe that a person has committed any of the three new penalty offences whilst inside the Royal Parks.

Once issued with a PND, the recipient has 21 days (the suspended enforcement period) to either pay the penalty or request a court hearing. If the recipient fails to take any action then a fine of one and half times the penalty amount (i.e. £75) is automatically registered against them by the magistrates' court.

Illegal cycling, dog fouling or littering¹ in the Royal Parks are non-recordable offences and details of PNDs issued for these offences should be logged on local police databases.

5. This new guidance should be read in conjunction with:

Guidance on PNDs: Criminal Justice and Police Act 2001 (s.1-11) PND
Police Operational Guidance.

6. With regards to music events held in the parks where people may be more likely to drop litter, whether to issue a PND will remain an operational decision for the police. Officers should use their professional judgement and discretion to determine what is the most appropriate and proportionate response to offending based on the circumstances of the case.

¹ These are offences specific to the Royal Parks contained in the Royal Parks and Other Open Spaces Regulations 1997