



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART XII

MISCELLANEOUS

40 Nuisance and disturbance on educational premises

- (1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.
- (2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation—
 - (a) of a school maintained by a local education authority; or
 - (b) of a further education establishment provided by such an authority.
- (3) If—
 - (a) a police constable ; or
 - (b) subject to subsection (5) below, a person whom a local education authority have authorised to exercise the power conferred by this subsection,has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises.
- (4) The power conferred by subsection (3) above may also be exercised, in relation to premises of an aided or special agreement school, by a person whom the school governors have authorised to exercise it.
- (5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) above in relation to premises of a voluntary school without first obtaining the consent of the school governors.

Status: This is the original version (as it was originally enacted).

- (6) Except as provided by subsection (7) below, no proceedings under this section shall be brought by any person other than—
 - (a) a police constable ; or
 - (b) subject to subsection (8) below, a local education authority.
- (7) Proceedings under this section for an offence committed on premises of an aided or special agreement school may be brought by a person whom the school governors have authorised to bring such proceedings.
- (8) A local education authority may not bring proceedings under this section for an offence committed on premises of a voluntary school without first obtaining the consent of the school governors.
- (9) Expressions used in this section and in the Education Act 1944 have the meanings assigned to them by that Act.
- (10) This section shall come into force on the expiry of the period of two months beginning with the date on which this Act is passed.