

(1) This section applies to a gathering on land in the open air of 20 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose

(a) such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and

(b) "music" includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.

[(1A) This section also applies to a gathering if—

(a) it is a gathering on land of 20 or more persons who are trespassing on the land; and

(b) it would be a gathering of a kind mentioned in subsection (1) above if it took place on land in the open air.]

Section 63(2) gives a police officer of at least the rank of superintendent the power to direct people to leave land and remove vehicles if he reasonably believes that:

- two or more persons are making preparations for the holding there of a gathering to which this section applies,
- ten or more persons are waiting for such a gathering to begin there, or
- ten or more persons are attending such a gathering which is in progress.

The direction may be communicated to the people concerned by any constable at the scene and people are to be treated as having had a direction communicated to them if reasonable steps have been taken to bring it to their attention. The direction does not apply to "exempted persons", who are the occupier of the land, any member of his family and any employee or agent of his and any person whose home is situated on the land.

A person who knows that a direction has been given which applies to him and fails to leave the land as soon as reasonably practicable, or having left re-enters the land within a period of 24 hours of the direction being given, commits an offence punishable by up to 3 months' imprisonment (which would increase to 51 weeks when provisions in the *Criminal Justice Act 2003* come into force) and a £2,500 fine. He or she may be arrested by a constable in uniform without a warrant. It is a defence for a person to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or for re-entering the land.

Section 63 does not apply to gatherings licensed by an entertainment licence in England and Wales.

Section 64 of the 1994 Act gives the police powers to enter land in relation to which a direction may be given under section 63, in order to exercise powers under that section or to seize and remove any vehicle or sound equipment where a direction under section 63 has not been complied with. Police constables exercising powers under this section may enter land without a warrant. Section 67 of the 1994 Act enables the Home Secretary to make regulations providing for the retention and safe-keeping of vehicles or their disposal and destruction in prescribed circumstances. Section 67 also gives the police powers to retain sound equipment seized under section 64, which may be kept until the conclusion of proceedings against the person from whom it was seized. Section 66 gives the courts