



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 5

#### MISCELLANEOUS

##### *Protection of activities of certain organisations*

#### **145 Interference with contractual relationships so as to harm animal research organisation**

- (1) A person (A) commits an offence if, with the intention of harming an animal research organisation, he—
  - (a) does a relevant act, or
  - (b) threatens that he or somebody else will do a relevant act,in circumstances in which that act or threat is intended or likely to cause a second person (B) to take any of the steps in subsection (2).
- (2) The steps are—
  - (a) not to perform any contractual obligation owed by B to a third person (C) (whether or not such non-performance amounts to a breach of contract);
  - (b) to terminate any contract B has with C;
  - (c) not to enter into a contract with C.
- (3) For the purposes of this section, a “relevant act” is—
  - (a) an act amounting to a criminal offence, or
  - (b) a tortious act causing B to suffer loss or damage of any description;but paragraph (b) does not include an act which is actionable on the ground only that it induces another person to break a contract with B.

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) For the purposes of this section, “contract” includes any other arrangement (and “contractual” is to be read accordingly).
- (5) For the purposes of this section, to “harm” an animal research organisation means—
  - (a) to cause the organisation to suffer loss or damage of any description, or
  - (b) to prevent or hinder the carrying out by the organisation of any of its activities.
- (6) This section does not apply to any act done wholly or mainly in contemplation or furtherance of a trade dispute.
- (7) In subsection (6) “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), except that section 218 of that Act shall be read as if—
  - (a) it made provision corresponding to section 244(4) of that Act, and
  - (b) in subsection (5), the definition of “worker” included any person falling within paragraph (b) of the definition of “worker” in section 244(5).

#### Commencement Information

**II** S. 145 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(t)

### 146 Intimidation of persons connected with animal research organisation

- (1) A person (A) commits an offence if, with the intention of causing a second person (B) to abstain from doing something which B is entitled to do (or to do something which B is entitled to abstain from doing)—
  - (a) A threatens B that A or somebody else will do a relevant act, and
  - (b) A does so wholly or mainly because B is a person falling within subsection (2).
- (2) A person falls within this subsection if he is—
  - (a) an employee or officer of an animal research organisation;
  - (b) a student at an educational establishment that is an animal research organisation;
  - (c) a lessor or licensor of any premises occupied by an animal research organisation;
  - (d) a person with a financial interest in, or who provides financial assistance to, an animal research organisation;
  - (e) a customer or supplier of an animal research organisation;
  - (f) a person who is contemplating becoming someone within paragraph (c), (d) or (e);
  - (g) a person who is, or is contemplating becoming, a customer or supplier of someone within paragraph (c), (d), (e) or (f);
  - (h) an employee or officer of someone within paragraph (c), (d), (e), (f) or (g);
  - (i) a person with a financial interest in, or who provides financial assistance to, someone within paragraph (c), (d), (e), (f) or (g);
  - (j) a spouse, civil partner, friend or relative of, or a person who is known personally to, someone within any of paragraphs (a) to (i);
  - (k) a person who is, or is contemplating becoming, a customer or supplier of someone within paragraph (a), (b), (h), (i) or (j); or

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (l) an employer of someone within paragraph (j).
- (3) For the purposes of this section, an “officer” of an animal research organisation or a person includes—
  - (a) where the organisation or person is a body corporate, a director, manager or secretary;
  - (b) where the organisation or person is a charity, a charity trustee (within the meaning of the Charities Act 1993 (c. 10));
  - (c) where the organisation or person is a partnership, a partner.
- (4) For the purposes of this section—
  - (a) a person is a customer or supplier of another person if he purchases goods, services or facilities from, or (as the case may be) supplies goods, services or facilities to, that other; and
  - (b) “supplier” includes a person who supplies services in pursuance of any enactment that requires or authorises such services to be provided.
- (5) For the purposes of this section, a “relevant act” is—
  - (a) an act amounting to a criminal offence, or
  - (b) a tortious act causing B or another person to suffer loss or damage of any description.
- (6) The Secretary of State may by order amend this section so as to include within subsection (2) any description of persons framed by reference to their connection with—
  - (a) an animal research organisation, or
  - (b) any description of persons for the time being mentioned in that subsection.
- (7) This section does not apply to any act done wholly or mainly in contemplation or furtherance of a trade dispute.
- (8) In subsection (7) “trade dispute” has the meaning given by section 145(7).

#### Commencement Information

**I2** S. 146 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(t)

### 147 Penalty for offences under sections 145 and 146

- (1) A person guilty of an offence under section 145 or 146 is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (2) No proceedings for an offence under either of those sections may be instituted except by or with the consent of the Director of Public Prosecutions.

#### Commencement Information

**I3** S. 147 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(t)

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 148 Animal research organisations

- (1) For the purposes of sections 145 and 146 “animal research organisation” means any person or organisation falling within subsection (2) or (3).
- (2) A person or organisation falls within this subsection if he or it is the owner, lessee or licensee of premises constituting or including—
  - (a) a place specified in a licence granted under section 4 or 5 of the 1986 Act,
  - (b) a scientific procedure establishment designated under section 6 of that Act, or
  - (c) a breeding or supplying establishment designated under section 7 of that Act.
- (3) A person or organisation falls within this subsection if he or it employs, or engages under a contract for services, any of the following in his capacity as such—
  - (a) the holder of a personal licence granted under section 4 of the 1986 Act,
  - (b) the holder of a project licence granted under section 5 of that Act,
  - (c) a person specified under section 6(5) of that Act, or
  - (d) a person specified under section 7(5) of that Act.
- (4) The Secretary of State may by order amend this section so as to include a reference to any description of persons whom he considers to be involved in, or to have a direct connection with persons who are involved in, the application of regulated procedures.
- (5) In this section—
  - “the 1986 Act” means the Animals (Scientific Procedures) Act 1986 (c. 14);
  - “organisation” includes any institution, trust, undertaking or association of persons;
  - “premises” includes any place within the meaning of the 1986 Act;
  - “regulated procedures” has the meaning given by section 2 of the 1986 Act.

### Commencement Information

**I4** S. 148 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(t\)](#)

## 149 Extension of sections 145 to 147

- (1) The Secretary of State may by order provide for sections 145, 146 and 147 to apply in relation to persons or organisations of a description specified in the order as they apply in relation to animal research organisations.
- (2) The Secretary of State may, however, only make an order under this section if satisfied that a series of acts has taken place and—
  - (a) that those acts were directed at persons or organisations of the description specified in the order or at persons having a connection with them, and
  - (b) that, if those persons or organisations had been animal research organisations, those acts would have constituted offences under section 145 or 146.
- (3) In this section “organisation” and “animal research organisation” have the meanings given by section 148.

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**I5** S. 149 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(t)

### *Vehicle registration and insurance and road traffic offences*

#### **150 Offence in respect of incorrectly registered vehicles**

(1) After section 43B of the Vehicle Excise and Registration Act 1994 (c. 22) insert—

#### *“Offence in respect of incorrectly registered vehicles*

##### **43C Offence of using an incorrectly registered vehicle**

- (1) A person is guilty of an offence if, on a public road or in a public place, he uses a vehicle to which subsection (2) applies and in respect of which—
  - (a) the name and address of the keeper are not recorded in the register, or
  - (b) any of the particulars recorded in the register are incorrect.
- (2) This subsection applies to a vehicle if—
  - (a) vehicle excise duty is chargeable in respect of it, or
  - (b) it is an exempt vehicle in respect of which regulations under this Act require a nil licence to be in force.
- (3) It is a defence for a person charged with an offence under subsection (1) to show (as the case may be)—
  - (a) that there was no reasonable opportunity, before the material time, to furnish the name and address of the keeper of the vehicle, or
  - (b) that there was no reasonable opportunity, before the material time, to furnish particulars correcting the incorrect particulars.
- (4) It is also a defence for a person charged with an offence under subsection (1) to show—
  - (a) that he had reasonable grounds for believing, or that it was reasonable for him to expect, that the name and address of the keeper or the other particulars of registration (as the case may be) were correctly recorded in the register, or
  - (b) that any exception prescribed in regulations under this section is met.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The Secretary of State may make regulations prescribing, varying or revoking exceptions for the purposes of subsection (4)(b).
- (7) In this section—

“keeper”, in relation to a vehicle, means the person by whom it is kept at the material time;

“the register” means the register kept by the Secretary of State under Part 2.”

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In Schedule 3 to the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty offences) after the entry relating to section 43 of the Vehicle Excise and Registration Act 1994 insert—

“Section 43C of that Act

Using an incorrectly registered vehicle.”

**Commencement Information**

**I6** S. 150 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

**151 Power of constables etc. to require production of registration documents in respect of a vehicle**

After section 28 of the Vehicle Excise and Registration Act 1994 (c. 22) insert—

*“Power of constables etc. to require production of documents*

**28A Power of constables etc. to require production of registration documents**

- (1) A person using a vehicle in respect of which a registration document has been issued must produce the document for inspection on being so required by—
  - (a) a constable, or
  - (b) a person authorised by the Secretary of State for the purposes of this section (an “authorised person”).
- (2) An authorised person exercising the power conferred by subsection (1) must, if so requested, produce evidence of his authority to exercise the power.
- (3) A person is guilty of an offence if he fails to comply with subsection (1).
- (4) Subsection (3) does not apply if any of the following conditions is satisfied.
- (5) The first condition is that—
  - (a) the person produces the registration document, in person, at a police station specified by him at the time of the request, and
  - (b) he does so within 7 days after the date on which the request was made or as soon as is reasonably practicable.
- (6) The second condition is that—
  - (a) the vehicle is subject to a lease or hire agreement,
  - (b) the vehicle is not registered in the name of the lessee or hirer under that agreement and is not required to be so registered,
  - (c) the person produces appropriate evidence of the agreement to the constable or authorised person at the time of the request or he produces such evidence in person, at a police station specified by him at the time of the request—
    - (i) within 7 days after the date of the request, or
    - (ii) as soon as is reasonably practicable, and

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) the person has reasonable grounds for believing, or it is reasonable for him to expect, that the person from whom the vehicle has been leased or hired is able to produce, or require the production of, the registration document.
- (7) In subsection (6)(c) “appropriate evidence” means—
  - (a) a copy of the agreement, or
  - (b) such other documentary evidence of the agreement as is prescribed in regulations under this section.
- (8) The third condition is that any exception prescribed in regulations under this section is met.
- (9) Where a requirement is imposed under subsection (1) by an authorised person, a testing station provided under section 52(2) of the Road Traffic Act 1988 may be specified under subsection (5)(a) or (6)(c) instead of a police station.
- (10) A person accused of an offence under this section is not entitled to the benefit of an exception conferred by or under this section unless evidence is adduced that is sufficient to raise an issue with respect to that exception, but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.
- (11) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (12) The Secretary of State may make regulations—
  - (a) prescribing descriptions of evidence for the purposes of subsection (7);
  - (b) prescribing, varying or revoking exceptions for the purposes of subsection (8).
- (13) In this section “registration document” means a registration document issued in accordance with regulations under section 22(1)(e).”

**Commencement Information**

**I7** S. 151 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

**152 Power to seize etc. vehicles driven without licence or insurance**

After section 165 of the Road Traffic Act 1988 (c. 52) insert—

**“165A Power to seize vehicles driven without licence or insurance**

- (1) Subsection (5) applies if any of the following conditions is satisfied.
- (2) The first condition is that—
  - (a) a constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination,
  - (b) the person fails to produce them, and
  - (c) the constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The second condition is that—
- (a) a constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,
  - (b) the person fails to produce such evidence, and
  - (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.
- (4) The third condition is that—
- (a) a constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle,
  - (b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and
  - (c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or 143.
- (5) Where this subsection applies, the constable may—
- (a) seize the vehicle in accordance with subsections (6) and (7) and remove it;
  - (b) enter, for the purpose of exercising a power falling within paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;
  - (c) use reasonable force, if necessary, in the exercise of any power conferred by paragraph (a) or (b).
- (6) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of section 87(1) or 143 that he will seize it—
- (a) in a section 87(1) case, if the person does not produce his licence and its counterpart immediately;
  - (b) in a section 143 case, if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that section.
- But the constable is not required to give such a warning if the circumstances make it impracticable for him to do so.
- (7) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.
- (8) The powers conferred on a constable by this section are exercisable only at a time when regulations under section 165B are in force.
- (9) In this section—
- (a) a reference to a motor vehicle does not include an invalid carriage;
  - (b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of section 143 is a reference to a document or other evidence within section 165(2)(a);
  - (c) “counterpart” and “licence” have the same meanings as in section 164;



*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (d) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

### **165B Retention etc. of vehicles seized under section 165A**

- (1) The Secretary of State may by regulations make provision as to—
  - (a) the removal and retention of motor vehicles seized under section 165A; and
  - (b) the release or disposal of such motor vehicles.
- (2) Regulations under subsection (1) may, in particular, make provision—
  - (a) for the giving of notice of the seizure of a motor vehicle under section 165A to a person who is the registered keeper, the owner or the driver of that vehicle;
  - (b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under section 165A may seek to have it released;
  - (c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
  - (d) as to the circumstances in which a motor vehicle seized under section 165A may be disposed of;
  - (e) as to the destination—
    - (i) of any fees or charges payable in accordance with the regulations;
    - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 165A;
  - (f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 165A.
- (3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations is not liable to pay it if—
  - (a) he was not driving the motor vehicle at the time in question, and
  - (b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.
- (4) Regulations under subsection (1) may make different provision for different cases.
- (5) In this section—
  - “local authority”—
    - (a) in relation to England, means—
      - (i) a county council,
      - (ii) the council of a district comprised in an area for which there is no county council,
      - (iii) a London borough council,
      - (iv) the Common Council of the City of London, or

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (v) Transport for London;
  - (b) in relation to Wales, means the council of a county or county borough; and
  - (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.”

#### Commencement Information

**I8** S. 152 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

### 153 Disclosure of information about insurance status of vehicles

- (1) The Secretary of State may by regulations make provision for and in connection with requiring MIIC to make available relevant vehicle insurance information to PITO for it to process with a view to making the processed information available for use by constables.
- (2) “Relevant vehicle insurance information” means information relating to vehicles the use of which has been (but no longer is) insured under a policy of insurance, or security in respect of third party risks, complying with the requirements of Part 6 of the Road Traffic Act 1988 (c. 52).
- (3) The regulations may in particular—
  - (a) require all relevant vehicle insurance information or any particular description of such information to be made available to PITO,
  - (b) determine the purposes for which information processed from such information by PITO may be made available for use by constables, and
  - (c) determine the circumstances in which any of the processed information which has been made available for use by constables may be further disclosed by them.
- (4) In this section—
  - “information” means information held in any form,
  - “MIIC” means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 (c. 6) on 8th December 1998), and
  - “PITO” means the Police Information Technology Organisation.

#### Commencement Information

**I9** S. 153 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

### 154 Power to require specimens of breath at roadside or at hospital etc.

- (1) Section 6D of the Road Traffic Act 1988 (preliminary tests for drink and drugs: arrest) is amended as follows.

---

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

(2) After subsection (1) insert—

“(1A) The fact that specimens of breath have been provided under section 7 of this Act by the person concerned does not prevent subsection (1) above having effect if the constable who imposed on him the requirement to provide the specimens has reasonable cause to believe that the device used to analyse the specimens has not produced a reliable indication of the proportion of alcohol in the breath of the person.”

(3) After subsection (2) insert—

“(2A) A person arrested under this section may, instead of being taken to a police station, be detained at or near the place where the preliminary test was, or would have been, administered, with a view to imposing on him there a requirement under section 7 of this Act.”

(4) Section 7 of that Act (provision of specimens for analysis) is amended as follows.

(5) For subsection (2) substitute—

“(2) A requirement under this section to provide specimens of breath can only be made—

- (a) at a police station,
- (b) at a hospital, or
- (c) at or near a place where a relevant breath test has been administered to the person concerned or would have been so administered but for his failure to co-operate with it.

(2A) For the purposes of this section “a relevant breath test” is a procedure involving the provision by the person concerned of a specimen of breath to be used for the purpose of obtaining an indication whether the proportion of alcohol in his breath or blood is likely to exceed the prescribed limit.

(2B) A requirement under this section to provide specimens of breath may not be made at or near a place mentioned in subsection (2)(c) above unless the constable making it—

- (a) is in uniform, or
- (b) has imposed a requirement on the person concerned to co-operate with a relevant breath test in circumstances in which section 6(5) of this Act applies.

(2C) Where a constable has imposed a requirement on the person concerned to co-operate with a relevant breath test at any place, he is entitled to remain at or near that place in order to impose on him there a requirement under this section.

(2D) If a requirement under subsection (1)(a) above has been made at a place other than at a police station, such a requirement may subsequently be made at a police station if (but only if)—

- (a) a device or a reliable device of the type mentioned in subsection (1) (a) above was not available at that place or it was for any other reason not practicable to use such a device there, or
- (b) the constable who made the previous requirement has reasonable cause to believe that the device used there has not produced a reliable

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

indication of the proportion of alcohol in the breath of the person concerned.”

(6) In subsection (3) (circumstances in which requirement to provide a specimen of blood or urine may be made)—

- (a) in paragraph (b) (breath-testing device not available etc.) insert at the beginning “specimens of breath have not been provided elsewhere and”, and
- (b) in paragraph (bb) (police station breath-testing device has not provided a reliable indication of alcohol level) for “at the police station” substitute “(at the police station or elsewhere)”.

(7) In section 8 of that Act (choice of specimens of breath) after subsection (2) insert—

“(2A) If the person who makes a claim under subsection (2) above was required to provide specimens of breath under section 7 of this Act at or near a place mentioned in subsection (2)(c) of that section, a constable may arrest him without warrant.”

(8) In section 9(1) of that Act (protection for hospital patients) for “for a laboratory test” substitute “under section 7 of this Act”.

(9) Section 10 of that Act (detention of persons affected by alcohol or a drug) is amended as follows.

(10) In subsection (1) (detention at a police station)—

- (a) for “until it appears to the constable” substitute “(or, if the specimen was provided otherwise than at a police station, arrested and taken to and detained at a police station) if a constable has reasonable grounds for believing”, and
- (b) for “not be committing” substitute “commit”.

(11) In subsection (2) (grounds for detention) for “A person shall not be detained in pursuance of this section if it appears to a” substitute “Subsection (1) above does not apply to the person if it ought reasonably to appear to the”.

(12) After that subsection insert—

“(2A) A person who is at a hospital as a patient shall not be arrested and taken from there to a police station in pursuance of this section if it would be prejudicial to his proper care and treatment as a patient.”

#### Commencement Information

**I10** S. 154 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

### 155 Payments by Secretary of State to police authorities in relation to the prevention, detection and enforcement of certain traffic offences

(1) The Secretary of State may make payments in respect of the whole or any part of the expenditure of a police authority in relation to—

- (a) the prevention and detection of offences to which subsection (3) applies, or
- (b) any enforcement action or proceedings in respect of such offences or any alleged such offences.

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Payments under this section shall be made at such times, in such manner and subject to such conditions as the Secretary of State may determine.
- (3) This subsection applies to offences committed in England and Wales under the following provisions—

*Road Traffic Act 1988 (c. 52)*

section 14 (requirements regarding seat belts: adults);

section 15(2) and (4) (restriction on carrying children not wearing seat belts in motor vehicles);

section 42 (motor vehicles and trailers: other construction and use requirements) in relation to the construction and use requirements imposed by the following regulations—

- (a) regulations 54, 57, 104 and 110 of the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078);
- (b) regulations 11(1) and 25 of the Road Vehicles Lighting Regulations 1989 (S.I. 1989/1796);

section 87(1) (drivers of motor vehicles to have driving licences);

section 47 (obligatory test certificates for motor vehicles);

section 143 (users of motor vehicles to be insured or secured against third-party risks);

section 163 (power of police to stop vehicles);

section 172 (duty to give information as to the identity of driver etc. in certain circumstances);

*Vehicle Excise and Registration Act 1994 (c. 22)*

section 33 (not exhibiting vehicle licence);

section 42 (not fixing registration mark);

section 43 (obscured registration mark);

section 43C (using an incorrectly registered vehicle);

section 59 (regulations: offences) in relation to the requirements imposed by regulation 11 of the Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561).

- (4) The Secretary of State may by order amend the list of offences in subsection (3) so as to add, modify or omit any entry.
- (5) In subsection (3) “construction and use requirements” has the meaning given by section 41(7) of the Road Traffic Act 1988 (c. 52).

**Commencement Information**

**III** S. 155 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(u)

*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## **156 Payments by Scottish Ministers to police authorities etc. in relation to the prevention, detection and enforcement of certain traffic offences**

- (1) The Scottish Ministers may make payments in respect of the whole or any part of the expenditure of a police authority or joint police board (within the meaning of the Police (Scotland) Act 1967 (c. 77)) in relation to—
  - (a) the prevention and detection of offences to which subsection (3) applies, or
  - (b) any enforcement action or proceedings in respect of such offences or any alleged such offences.
- (2) Payments under this section shall be made at such times, in such manner and subject to such conditions as the Scottish Ministers may determine.
- (3) This subsection applies to offences committed in Scotland under the following provisions—

### *Road Traffic Act 1988 (c. 52)*

section 14 (requirements regarding seat belts: adults);

section 15(2) and (4) (restriction on carrying children not wearing seat belts in motor vehicles);

section 42 (motor vehicles and trailers: other construction and use requirements) in relation to the construction and use requirements imposed by the following regulations—

- (a) regulations 54, 57, 104 and 110 of the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078);
- (b) regulations 11(1) and 25 of the Road Vehicles Lighting Regulations 1989 (S.I. 1989/1796);

section 47 (obligatory test certificates for motor vehicles);

section 87(1) (drivers of motor vehicles to have driving licences);

section 143 (users of motor vehicles to be insured or secured against third-party risks);

section 163 (power of police to stop vehicles);

section 172 (duty to give information as to the identity of driver etc. in certain circumstances);

### *Vehicle Excise and Registration Act 1994 (c. 22)*

section 33 (not exhibiting vehicle licence);

section 42 (not fixing registration mark);

section 43 (obscured registration mark);

section 43C (using an incorrectly registered vehicle);

section 59 (regulations: offences) in relation to the requirements imposed by regulation 11 of the Road Vehicles (Display of Registration Marks) Regulations 2001 (S.I. 2001/561).

- (4) The Scottish Ministers may by order amend the list of offences in subsection (3) so as to add, modify or omit any entry.

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) In subsection (3) “construction and use requirements” has the meaning given by section 41(7) of the Road Traffic Act 1988 (c. 52).

(6) In section 95 of the Road Traffic Offenders Act 1988 (c. 53) (destination of fines imposed in respect of road traffic offences etc.) insert—

“(3) There shall be paid into the Scottish Consolidated Fund all fixed penalties imposed in respect of offences, committed in Scotland, to which section 156(3) of the Serious Organised Crime and Police Act 2005 applies.”

#### Commencement Information

**112** S. 156 in force at 1.7.2005 by [S.S.I. 2005/358](#), [art. 2\(b\)](#)

### *Local policing information*

#### **157 Publication of local policing information**

After section 8 of the Police Act 1996 (c. 16) insert—

##### **“8A Local policing summaries**

- (1) As soon as possible after the end of each financial year, every police authority established under section 3 shall issue a report for members of the public in the authority's area on matters relating to the policing of that area for the year.
- (2) Such a report is referred to in this section as a “local policing summary”.
- (3) The Secretary of State may by order specify matters which are to be included in a local policing summary.
- (4) A police authority shall arrange—
  - (a) for every local policing summary issued by it under this section to be published in such manner as appears to it to be appropriate, and
  - (b) for a copy of every such summary to be sent, by whatever means appear to the authority to be appropriate, to each person liable to pay any tax, precept or levy to or in respect of the authority.
- (5) It shall be the duty of a police authority, in preparing and publishing a local policing summary, to have regard to any guidance given by the Secretary of State about the form and content of local policing summaries and the manner of their publication.
- (6) Before making an order under subsection (3), and before giving any such guidance as is referred to in subsection (5), the Secretary of State must consult—
  - (a) persons whom he considers to represent the interests of police authorities,
  - (b) persons whom he considers to represent the interests of chief officers of police, and
  - (c) such other persons as he thinks fit.

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (7) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3.
- (8) A statutory instrument containing an order under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I13** S. 157 in force at 1.4.2006 by S.I. 2005/1521, art. 5(2)

#### *Other miscellaneous police matters*

### **158 Responsibilities in relation to the health and safety etc. of police**

- (1) In section 51A of the Health and Safety at Work etc. Act 1974 (c. 37) (application of Part 1 of that Act to police) after subsection (2) insert—

“(2A) For the purposes of this Part the relevant officer, as defined by subsection (2) (a) or (c) above, shall be treated as a corporation sole.

- (2B) Where, in a case in which the relevant officer, as so defined, is guilty of an offence by virtue of this section, it is proved—

- (a) that the officer-holder personally consented to the commission of the offence,
- (b) that he personally connived in its commission, or
- (c) that the commission of the offence was attributable to personal neglect on his part,

the office-holder (as well as the corporation sole) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

- (2C) In subsection (2B) above “the office-holder”, in relation to the relevant officer, means an individual who, at the time of the consent, connivance or neglect—

- (a) held the office or other position mentioned in subsection (2) above as the office or position of that officer; or
- (b) was for the time being responsible for exercising and performing the powers and duties of that office or position.

- (2D) The provisions mentioned in subsection (2E) below (which impose the same liability for unlawful conduct of constables on persons having their direction or control as would arise if the constables were employees of those persons) do not apply to any liability by virtue of this Part.

- (2E) Those provisions are—

- (a) section 39 of the Police (Scotland) Act 1967;
- (b) section 88(1) of the Police Act 1996;
- (c) section 97(9) of that Act;
- (d) paragraph 7(1) of Schedule 8 to the Police Act 1997;
- (e) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001;
- (f) section 28 of the Serious Organised Crime and Police Act 2005.



*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2F) In the application of this section to Scotland—
- (a) subsection (2A) shall have effect as if for the words “corporation sole” there were substituted “ distinct juristic person (that is to say, as a juristic person distinct from the individual who for the time being is the office-holder) ”;
  - (b) subsection (2B) shall have effect as if for the words “corporation sole” there were substituted “ juristic person ”; and
  - (c) subsection (2C) shall have effect as if for the words “subsection (2B)” there were substituted “ subsections (2A) and (2B) ”.
- (2) For subsection (2) of each of the following sections of the Employment Rights Act 1996 (c. 18)—
- (a) section 49A (right of police officers not to suffer detriment in relation to health and safety issues), and
  - (b) section 134A (right of police officers not to be unfairly dismissed in relation to health and safety issues),
- substitute the subsection set out in subsection (3) of this section.
- (3) The subsection to be substituted is—
- “(2) In this section “the relevant officer”, in relation to—
- (a) a person holding the office of constable, or
  - (b) a person holding an appointment as a police cadet,
- means the person who under section 51A of the Health and Safety at Work etc. Act 1974 is to be treated as his employer for the purposes of Part 1 of that Act.”
- (4) The following provisions of the Police Reform Act 2002 (c. 30) (which relate to duties and rights in relation to the health and safety of police) cease to have effect—
- (a) section 95, and
  - (b) in Schedule 8, the reference to section 5 of the Police (Health and Safety) Act 1997 (c. 42).
- (5) The amendments made by subsections (1) to (3) have effect for the purposes of any proceedings in or before a court or tribunal that are commenced on or after the day on which this Act is passed as if the amendments had come into force on 1st July 1998.
- (6) For the purposes of proceedings commenced against a person in his capacity by virtue of this section as a corporation sole (or, in Scotland, as a distinct juristic person) anything done by or in relation to that person before the passing of this Act shall be deemed to have been done by or in relation to that person in that capacity.
- (7) No person shall be liable by virtue of section 51A(2B) of the Health and Safety at Work etc. Act 1974 (c. 37) in respect of anything occurring before the passing of this Act.

## **159 Investigations: accelerated procedure in special cases**

Schedule 11 (which makes provision for an accelerated procedure for certain investigations into the conduct of police officers) has effect.

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**I14** S. 159 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(v)

### 160 Investigations: deaths and serious injuries during or after contact with the police

Schedule 12 (which makes provision for the investigation of deaths and serious injuries which occur during or after contact with persons serving with the police) has effect.

#### Commencement Information

**I15** S. 160 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

*Royal Parks etc.*

### 161 Abolition of Royal Parks Constabulary

- (1) The Royal Parks Constabulary is abolished.
- (2) Every relevant person shall cease to be a park constable on the appointed day.
- (3) Subsection (2) is not to be taken as terminating the Crown employment of any relevant person.
- (4) In this section, section 162 and Schedule 13—
  - “appointed day” means such day as the Secretary of State may by order appoint for the purposes of this section,
  - “Crown employment” has the same meaning as in the Employment Rights Act 1996 (c. 18), and
  - “relevant person” means a person who immediately before the appointed day is serving as a park constable with the Royal Parks Constabulary.
- (5) Schedule 13 (which provides for transfers to the Metropolitan Police Authority and makes amendments) has effect.

#### Commencement Information

**I16** S. 161(2)-(5) in force at 1.7.2005 for specified purposes by S.I. 2005/1521, art. 3(1)(x)

**I17** S. 161(2)-(4) in force at 1.8.2005 in so far as not already in force by S.I. 2005/2026, art. 2(e)

### 162 Regulation of specified parks

- (1) From the appointed day the Parks Regulation Act 1872 (c. 15) does not apply to the specified parks.
- (2) But from the appointed day section 2 of the Parks Regulation (Amendment) Act 1926 (c. 36) applies in relation to the specified parks in the same way as it applies in relation to parks to which the Parks Regulation Act 1872 applies.

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The Secretary of State must ensure that copies of any regulations made under section 2 of the Parks Regulation (Amendment) Act 1926 (c. 36) which are in force in relation to a specified park are displayed in a suitable position in that park.
- (4) In this section “specified park” means a park, garden, recreation ground, open space or other land in the metropolitan police district—
  - (a) which is specified in an order made by the Secretary of State before the appointed day, and
  - (b) to which the Parks Regulation Act 1872 (c. 15) then applied by virtue of section 1 of the Parks Regulation (Amendment) Act 1926.

#### Commencement Information

**I18** S. 162(1)(2)(4) in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(z)

### *Criminal record checks*

#### **163 Criminal record certificates**

- (1) Sections 113 and 115 of the Police Act 1997 (c. 50) (criminal record certificates) are omitted.
- (2) Before section 114 of that Act insert—

##### “113A Criminal record certificates

- (1) The Secretary of State must issue a criminal record certificate to any individual who—
  - (a) makes an application in the prescribed manner and form, and
  - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
  - (a) be countersigned by a registered person, and
  - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.
- (3) A criminal record certificate is a certificate which—
  - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
  - (b) states that there is no such matter.
- (4) The Secretary of State must send a copy of a criminal record certificate to the registered person who countersigned the application.
- (5) The Secretary of State may treat an application under this section as an application under section 113B if—
  - (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
  - (b) the registered person provides him with the statement required by that subsection, and

---

*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.

- (6) In this section—

“central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;

“exempted question” means a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act;

“relevant matter” means—

- (a) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, and
- (b) a caution.

### 113B Enhanced criminal record certificates

- (1) The Secretary of State must issue an enhanced criminal record certificate to any individual who—
  - (a) makes an application in the prescribed manner and form, and
  - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
  - (a) be countersigned by a registered person, and
  - (b) be accompanied by a statement by the registered person that the certificate is required for a prescribed purpose.
- (3) An enhanced criminal record certificate is a certificate which—
  - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records and any information provided in accordance with subsection (4), or
  - (b) states that there is no such matter or information.
- (4) Before issuing an enhanced criminal record certificate the Secretary of State must request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
  - (a) might be relevant for the purpose described in the statement under subsection (2), and
  - (b) ought to be included in the certificate.
- (5) The Secretary of State must also request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
  - (a) might be relevant for the purpose described in the statement under subsection (2),
  - (b) ought not to be included in the certificate, in the interests of the prevention or detection of crime, and
  - (c) can, without harming those interests, be disclosed to the registered person.

*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (6) The Secretary of State must send to the registered person who countersigned the application—
- (a) a copy of the enhanced criminal record certificate, and
  - (b) any information provided in accordance with subsection (5).
- (7) The Secretary of State may treat an application under this section as an application under section 113A if in his opinion the certificate is not required for a purpose prescribed under subsection (2).
- (8) If by virtue of subsection (7) the Secretary of State treats an application under this section as an application under section 113A, he must refund to the applicant the amount (if any) by which the fee paid in relation to the application under this section exceeds the fee payable in relation to an application under section 113A.
- (9) In this section—
- “central records”, “exempted question”, and “relevant matter” have the same meaning as in section 113A;
- “relevant police force”, in relation to an application under this section, means a police force which is a relevant police force in relation to that application under regulations made by the Secretary of State.
- (10) For the purposes of this section references to a police force include any of the following—
- (a) the Royal Navy Regulating Branch;
  - (b) the Royal Marines Police;
  - (c) the Royal Military Police;
  - (d) the Royal Air Force Police;
  - (e) the Ministry of Defence Police;
  - (f) the National Criminal Intelligence Service;
  - (g) the National Crime Squad;
  - (h) the British Transport Police;
  - (i) the Civil Nuclear Constabulary;
  - (j) the States of Jersey Police Force;
  - (k) the salaried police force of the Island of Guernsey;
  - (l) the Isle of Man Constabulary;
  - (m) a body with functions in any country or territory outside the British Islands which correspond to those of a police force in any part of the United Kingdom,
- and any reference to the chief officer of a police force includes the person responsible for the direction of a body mentioned in this subsection.
- (11) For the purposes of this section each of the following must be treated as if it were a police force—
- (a) the Commissioners for Her Majesty's Revenue and Customs (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to any one of the Commissioners);
  - (b) the Serious Organised Crime Agency (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to the Director General of the Agency);

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) such other department or body as is prescribed (and regulations may prescribe in relation to the department or body the person to whom a reference to the chief officer is to be taken to be).

### **113C Criminal record certificates: suitability relating to children**

- (1) If an application under section 113A or 113B is accompanied by a children's suitability statement the criminal record certificate or enhanced criminal record certificate (as the case may be) must also state—
  - (a) whether the applicant is included in a specified children's list;
  - (b) if he is included in such a list, such details of his inclusion as may be prescribed;
  - (c) whether he is subject to a specified children's direction;
  - (d) if he is subject to such a direction, the grounds on which it was given and such details as may be prescribed of the circumstances in which it was given.
- (2) A children's suitability statement is a statement by the registered person that the certificate is required for the purpose of considering—
  - (a) the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) within subsection (5),
  - (b) the applicant's suitability to be a foster parent or to adopt a child,
  - (c) the applicant's suitability to be a child's special guardian for the purposes of sections 14A and 14C of the Children Act 1989,
  - (d) the applicant's suitability to have a child placed with him by virtue of section 70 of the Children (Scotland) Act 1995 or by virtue of section 5(2), (3) and (4) of the Social Work (Scotland) Act 1968, or
  - (e) the suitability of a person living in the same household as the applicant to be a person mentioned in paragraph (b) or (c) or to have a child placed with him as mentioned in paragraph (d).
- (3) Each of the following is a specified children's list—
  - (a) the list kept under section 1 of the Protection of Children Act 1999;
  - (b) the list kept under section 1(1) of the Protection of Children (Scotland) Act 2003;
  - (c) the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
  - (d) any list kept for the purposes of regulations under Article 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986;
  - (e) any such other list as the Secretary of State specifies by order if he thinks that the list corresponds to a list specified in paragraphs (a) to (c) and is kept in pursuance of a country or territory outside the United Kingdom.
- (4) Each of the following is a specified children's direction—
  - (a) a direction under section 142 of the Education Act 2002;
  - (b) anything which the Secretary of State specifies by order which he thinks corresponds to such a direction and which is done for the

*Status:* Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

purposes of the law of Scotland or of Northern Ireland or of a country or territory outside the United Kingdom.

- (5) A position falls within this subsection if it is any of the following—
- (a) a child care position within the meaning of the Protection of Children Act 1999;
  - (b) a child care position within the meaning of the Protection of Children (Scotland) Act 2003;
  - (c) a child care position within the meaning of Chapter 1 of Part 2 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
  - (d) a position, employment or further employment in which may be prohibited or restricted by regulations under Article 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986;
  - (e) a position which involves work to which section 142 of the Education Act 2002 applies;
  - (f) a position of such other description as may be prescribed.
- (6) An order under subsection (4)(b) may make such modifications of subsection (1)(d) as the Secretary of State thinks necessary or expedient in consequence of the order.

### 113D Criminal record certificates: suitability relating to adults

- (1) If an application under section 113A or 113B is accompanied by an adults' suitability statement the criminal record certificate or enhanced criminal record certificate (as the case may be) must also state—
- (a) whether the applicant is included in a specified adults' list;
  - (b) if he is included in such a list, such details of his inclusion as may be prescribed.
- (2) An adults' suitability statement is a statement by the registered person that the certificate is required for the purpose of considering the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) falling within subsection (4).
- (3) Each of the following is a specified adults' list—
- (a) the list kept under section 81 of the Care Standards Act 2000;
  - (b) the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
  - (c) any such other list as the Secretary of State specifies by order if he thinks that the list corresponds to a list specified in paragraph (a) or (b) and is kept in pursuance of the law of Scotland or of a country or territory outside the United Kingdom.
- (4) A position falls within this subsection if it is any of the following—
- (a) a care position within the meaning of Part 7 of the Care Standards Act 2000;
  - (b) a care position within the meaning of Part 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) a position concerned with providing a care service (as defined by section 2(1) of the Regulation of Care (Scotland) Act 2001);
- (d) a position of such other description as may be prescribed.

### **113E Criminal record certificates: specified children's and adults' lists: urgent cases**

- (1) Subsection (2) applies to an application under section 113A or 113B if—
  - (a) it is accompanied by a children's suitability statement,
  - (b) the registered person requests an urgent preliminary response, and
  - (c) the applicant pays in the prescribed manner such additional fee as is prescribed in respect of the application.
- (2) The Secretary of State must notify the registered person—
  - (a) if the applicant is not included in a specified children's list, of that fact;
  - (b) if the applicant is included in such a list, of the details prescribed for the purposes of section 113C(1)(b) above;
  - (c) if the applicant is not subject to a specified children's direction, of that fact;
  - (d) if the applicant is subject to such a direction, of the grounds on which the direction was given and the details prescribed for the purposes of section 113C(1)(d) above.
- (3) Subsection (4) applies to an application under section 113A or 113B if—
  - (a) it is accompanied by an adults' suitability statement,
  - (b) the registered person requests an urgent preliminary response, and
  - (c) the applicant pays in the prescribed manner such additional fee as is prescribed in respect of the application.
- (4) The Secretary of State must notify the registered person either—
  - (a) that the applicant is not included in a specified adults' list, or
  - (b) that a criminal record certificate or enhanced criminal record certificate will be issued in due course.
- (5) In this section—
  - “criminal record certificate” has the same meaning as in section 113A;
  - “enhanced criminal record certificate” has the same meaning as in section 113B;
  - “children's suitability statement” “, specified children's direction” and “specified children's list” have the same meaning as in section 113C;
  - “adults' suitability statement” and “specified adults' list” have the same meaning as in section 113D.

### **113F Criminal record certificates: supplementary**

- (1) References in sections 113C(2) and 113D(2) to considering the applicant's suitability to be employed, supplied to work, found work or given work in a position falling within section 113C(5) or 113D(4) include references to considering—



---

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (a) for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales), the applicant's suitability to look after or be in regular contact with children under the age of eight;
  - (b) for the purposes of that Part of that Act, in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, his suitability to look after children within the meaning of that section;
  - (c) the applicant's suitability to be registered for child minding or providing day care under section 71 of the Children Act 1989 or Article 118 of the Children (Northern Ireland) Order 1995 (child minding and day care);
  - (d) for the purposes of section 3 of the Teaching and Higher Education Act 1998 (registration of teachers with the General Teaching Council for England or the General Teaching Council for Wales) or of section 6 of the Teaching Council (Scotland) Act 1965 (registration of teachers with the General Teaching Council for Scotland), the applicant's suitability to be a teacher;
  - (e) the applicant's suitability to be registered under Part 2 of the Care Standards Act 2000 (establishments and agencies);
  - (f) the applicant's suitability to be registered under Part 4 of that Act (social care workers);
  - (g) the applicant's suitability to be registered under Part 1 of the Regulation of Care (Scotland) Act 2001 (applications by persons seeking to provide a care service);
  - (h) the applicant's suitability to be registered under Part 3 of that Act (social workers and other social service workers);
  - (i) the applicant's application to have a care service, consisting of the provision of child minding or the day care of children, registered under Part 1 of that Act (care services);
  - (j) the applicant's suitability to be registered under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001 (social care workers);
  - (k) the applicant's suitability to be registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (regulation of establishments and agencies).
- (2) The power to make an order under section 113C or 113D is exercisable by statutory instrument, but no such order may be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (3) If the power mentioned in subsection (2) is exercised by the Scottish Ministers, the reference in that subsection to each House of Parliament must be construed as a reference to the Scottish Parliament.”
- (3) Schedule 14 (which makes consequential amendments to Part 5 of the Police Act 1997 (c. 50)) has effect.
- (4) If section 115(1) of the Adoption and Children Act 2002 (c. 38) comes into force before the preceding provisions of this section, the Secretary of State may by order apply Part 5 of the Police Act 1997 subject to such modifications as he thinks necessary or expedient for the purpose of enabling a certificate or statement to be issued under

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

section 113 or 115 of that Act of 1997 in connection with consideration by a court of whether to make a special guardianship order under section 14A of the Children Act 1989 (c. 41).

#### Commencement Information

- I19** S. 163(1)(3) in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(c)  
**I20** S. 163(2) in force at 1.4.2006 for specified purposes for S. by S.S.I. 2006/166, art. 2(1)(c)  
**I21** S. 163(4) in force at 7.7.2005, see s. 178(2)

### 164 Criminal records checks: verification of identity

(1) Section 118 of the Police Act 1997 (evidence of identity) is amended as follows.

(2) In subsection (1) after “117” insert “ or 120 ”.

(3) After subsection (2) insert—

“(2A) For the purpose of verifying evidence of identity supplied in pursuance of subsection (1) the Secretary of State may obtain such information as he thinks is appropriate from data held—

- (a) by the United Kingdom Passport Agency;
- (b) by the Driver and Vehicle Licensing Agency;
- (c) by Driver and Vehicle Licensing Northern Ireland;
- (d) by the Secretary of State in connection with keeping records of national insurance numbers;
- (e) by such other persons or for such purposes as is prescribed.”

#### Commencement Information

- I22** S. 164 in force at 1.7.2005 except to the extent that it applies to S. by S.I. 2005/1521, art. 3(3)(a)  
**I23** S. 164 in force at 1.7.2005 for S. by S.S.I. 2005/358, art. 2(c)

### 165 Certain references to police forces

(1) In section 119 of the Police Act 1997 (c. 50) (sources of information),

(a) in subsection (3) for “the prescribed fee” substitute “ such fee as he thinks appropriate ”;

(b) after subsection (5) insert—

“(6) For the purposes of this section references to a police force include any body mentioned in subsections (10)(a) to (i) and (11) of section 113B and references to a chief officer must be construed accordingly.

(7) In the case of such a body the reference in subsection (3) to the appropriate police authority must be construed as a reference to such body as is prescribed.”

(2) In each version of section 120A of that Act (as inserted respectively by section 134(1) of the Criminal Justice and Police Act 2001 (c. 16) and section 70 of the Criminal Justice (Scotland) Act 2003 (asp 7)), after subsection (5) insert—

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(6) For the purposes of this section references to a police force include any body mentioned in subsections (10)(a) to (i) and (11) of section 113B and references to a chief officer must be construed accordingly.”

(3) In section 124A of that Act (offences relating to disclosure of information) (inserted by section 328 of and paragraphs 1 and 11 of Schedule 35 to the Criminal Justice Act 2003 (c. 44)), after subsection (5) insert—

“(6) For the purposes of this section the reference to a police force includes any body mentioned in subsections (10)(a) to (i) and (11) of section 113B and the reference to a chief officer must be construed accordingly.”

#### Commencement Information

**I24** S. 165 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(c)

**I25** S. 165(1)(a) in force at 1.7.2005 except to the extent that it applies to S. by S.I. 2005/1521, art. 3(3)(b)

### 166 Further amendments to Police Act 1997 as it applies to Scotland

(1) In section 120A of the Police Act 1997 (as inserted by section 70 of the Criminal Justice (Scotland) Act 2003 (asp 7)), in subsection (5) for the words from “the prescribed fee” to the end substitute “such fee as they consider appropriate”.

(2) In section 126 of that Act of 1997 after subsection (2) insert—

“(3) In the application of this Part to Scotland references to the Secretary of State must be construed as references to the Scottish Ministers.

(4) Subsection (3) does not apply to section 118(2A)(d) or 124A(1) and (2).”

#### Commencement Information

**I26** S. 166(1) in force at 1.4.2006 by S.S.I. 2006/166, art. 2(1)(c)

**I27** S. 166(2) in force at 1.7.2005 for S. by S.S.I. 2005/358, art. 2(d)

**I28** S. 166(2) in force at 1.7.2005 except to the extent that it applies to S. by S.I. 2005/1521, art. 3(3)(c)

### 167 Part 5 of the Police Act 1997: Northern Ireland

The amendments made by Schedule 35 to the Criminal Justice Act 2003 (c. 44) to Part 5 of the Police Act 1997 (c. 50) extend to Northern Ireland as well as to England and Wales, and accordingly in section 337(5) of that Act of 2003 (extent)—

(a) after “section 315” insert— “section 328;”;

(b) after “Schedule 5” insert— “Schedule 35.”

### 168 Part 5 of the Police Act 1997: Channel Islands and Isle of Man

(1) Her Majesty may by Order in Council extend any provision of Part 5 of the Police Act 1997 (certificates of criminal records etc.), with such modifications as appear to Her Majesty in Council to be appropriate, to any of the Channel Islands or the Isle of Man.

*Status: Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) An order under this section may make such consequential, incidental, supplementary, transitory or transitional provision or savings as Her Majesty in Council thinks appropriate.

#### Commencement Information

I29 S. 168 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(aa)

### *Witness summonses*

#### **169 Powers of Crown Court and Magistrates' Court to issue witness summonses**

- (1) In section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

- (2) In section 97 of the Magistrates' Courts Act 1980 (c. 43) (summons to witness) for subsection (1) substitute—

“(1) Where a justice of the peace is satisfied that—

(a) any person in England or Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, at the summary trial of an information or hearing of a complaint by a magistrates' court, and

(b) it is in the interests of justice to issue a summons under this subsection to secure the attendance of that person to give evidence or produce the document or thing,

the justice shall issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence or to produce the document or thing.”

- (3) In section 97A(1) of that Act (summons as to committal proceedings) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or other exhibit, and”.

- (4) In paragraph 4(1) of Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (power of justice to take depositions etc.) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this paragraph to secure the attendance of the witness to have his evidence taken as a deposition or to produce the document or other exhibit.”

- (5) In section 51A(1) of the Judicature (Northern Ireland) Act 1978 (c. 23) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

**Status:** Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Commencement Information

**I30** S. 169 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(bb)

VALID FROM 01/06/2008

#### **170 Powers of courts-martial etc. to issue warrants of arrest in respect of witnesses**

- (1) Section 25 of the Armed Forces Act 2001 (c. 19) (powers to compel attendance of witnesses) is amended as follows.
- (2) In subsection (1) (which inserts a new section 101A in the Army Act 1955 (3 & 4 Eliz. 2 c. 18)), in subsection (1) of the new section 101A, for paragraph (b) substitute—
  - “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.
- (3) In subsection (2) (which inserts a new section 101A in the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)), in subsection (1) of the new section 101A, for paragraph (b) substitute—
  - “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.
- (4) In subsection (3) (which inserts a new section 65A in the Naval Discipline Act 1957), in subsection (1) of the new section 65A, for paragraph (b) substitute—
  - “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.

VALID FROM 30/06/2006

#### *Private Security Industry Act 2001: Scotland*

#### **171 Private Security Industry Act 2001: Scottish extent**

- (1) Schedule 15 amends the Private Security Industry Act 2001 (c. 12) in relation to its extent to Scotland.
- (2) In Schedule 2 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (persons liable to investigation) after paragraph 90 add—
  - “91 The Security Industry Authority.”

**Status:**

Point in time view as at 01/04/2006. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

Serious Organised Crime and Police Act 2005, Part 5 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.