

Status: Point in time view as at 16/01/2012.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

SEXUAL OFFENCES AND SEX ESTABLISHMENTS

Children and Young Persons Act 1969 (c. 54)

- 18 (1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) after paragraph (a) insert—
- “(aa) from a place of safety to which he has been taken under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or”, and
- (b) at the end of paragraph (b)(ii) insert—
- “(iia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or”.
- (3) In subsection (1C)—
- (a) after paragraph (a) insert—
- “(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;”,
- (b) in paragraph (b) for “that Act” substitute “ the Criminal Justice and Immigration Act 2008 ”, and
- (c) omit the word “or” at the end of paragraph (c) and insert—
- “(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959; or”.
- (4) In subsection (2A) for “(1A)(a) or (b)(i) or (ii)” substitute “ (1A)(a), (aa) or (b)(i), (ii) or (iia) ”.
- (5) The amendments made by this paragraph extend to England and Wales, Scotland and Northern Ireland only.

Commencement Information

II Sch. 7 para. 18 in force at 1.4.2010 by [S.I. 2010/507](#), art. 5(v)

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Bail Act 1976 (c. 63)

- 19 In section 4 of the Bail Act 1976 (general right to bail of accused persons), in subsection (3) omit the word “or” at the end of paragraph (a) and after paragraph (b) insert “, or
- (c) the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act).”

Commencement Information

I2 Sch. 7 para. 19 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

Child Abduction Act 1984 (c. 37)

- 20 In the Schedule to the Child Abduction Act 1984 (modifications of section 1 in certain cases) in paragraph 2—
- (a) omit the word “or” at the end of sub-paragraph (1)(a) and insert—
- “(aa) detained in a place of safety under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or”
- , and
- (b) at the end of sub-paragraph (1)(b) insert “; or
- (ba) remanded to local authority accommodation under paragraph 10 of the Schedule to the Street Offences Act 1959.”

Commencement Information

I3 Sch. 7 para. 20 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

Children Act 1989 (c. 41)

- 21 In section 21 of the Children Act 1989 (provision for accommodation for children in detention or on remand etc.), in subsection (2), omit the word “or” at the end of paragraph (c)(ii) and insert—
- “(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 10 of the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act);”.

Commencement Information

I4 Sch. 7 para. 21 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 22 In section 19 of the Powers of Criminal Courts (Sentencing) Act 2000 (making of referral orders: effect on other sentencing powers) in subsection (4) after paragraph (b) insert—
- “(ba) making an order under section 1(2A) of the Street Offences Act 1959 in respect of the offender;”.

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Commencement Information

I5 Sch. 7 para. 22 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

Licensing Act 2003 (c. 17)

23 In Part 2 of Schedule 1 to the Licensing Act 2003 (activities which are not regulated entertainment) after paragraph 11 insert—

“Sexual entertainment venues

- 11A (1) The provision of relevant entertainment—
- (a) at premises for which a licence for a sexual entertainment venue is required (or the requirement has been waived) by virtue of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and
 - (b) of a kind, and in a way, by virtue of which the premises qualify as such a venue,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

- (2) The provision of relevant entertainment—
- (a) at premises which are subject to a licence for a sexual entertainment venue but are not such a venue merely because of the operation of paragraph 2A(3)(b) of Schedule 3 to the Act of 1982, and
 - (b) of a kind, and in a way, by virtue of which the premises would qualify as such a venue but for the operation of that paragraph,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

- (3) The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (2).

- (4) The provision of entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is for the purposes of such provision of entertainment as falls within sub-paragraph (1), (2) or (3).

- (5) In this paragraph—

“premises” has the meaning given by paragraph 2A(14) of Schedule 3 to the Act of 1982;

“relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;

“sexual entertainment venue” has the meaning given by paragraph 2A(1) of that Schedule to that Act.”

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Commencement Information

- I6** Sch. 7 para. 23 in force at 6.4.2010 for E. by [S.I. 2010/722](#), **art. 3(c)** (with **arts. 4-12**)
I7 Sch. 7 para. 23 in force for specified purposes at 8.5.2010 for W. by [S.I. 2010/999](#), **art. 3**
I8 Sch. 7 para. 23 in force at 8.5.2010 for W. by [S.I. 2010/1375](#), **art. 3(c)** (with transitional and savings provisions in [S.I. 2010/1395](#), **arts. 3, 10**)

Sexual Offences Act 2003 (c. 42)

- 24 In section 54 of the Sexual Offences Act 2003 (meaning of “gain”, “prostitute” and “prostitution”)—
- (a) in subsection (1) for “sections 52 and 53” substitute “ sections 52, 53 and 53A ”,
 - (b) in subsection (2) for “those sections” substitute “ sections 51A, 52, 53 and 53A ”,
 - (c) after subsection (2) insert—

“(3) In section 53A “payment” has the meaning given by section 51(3).”, and
 - (d) in the heading for “sections 52 and 53” substitute “ sections 51A to 53A ”.

Commencement Information

- I9** Sch. 7 para. 24 in force at 1.4.2010 by [S.I. 2010/507](#), **art. 5(v)**

- 25 (1) Schedule 5 to that Act (other offences in respect of which power to make sexual offences prevention order applies) is amended as follows.
- (2) After paragraph 60 insert—

“60ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”
 - (3) After paragraph 106 insert—

“106A An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”
 - (4) After paragraph 168 insert—

“168ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”

Commencement Information

- I10** Sch. 7 para. 25 in force at 25.1.2010 by [S.I. 2009/3096](#), **art. 3(x)**

Sexual Offences (Northern Ireland) Order 2008 (S.I. 1769 (N.I. 2))

- 26 In Article 58 of the Sexual Offences (Northern Ireland) Order 2008—

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- (a) in paragraph (3) omit “In paragraph (2),”
- (b) omit paragraph (6), and
- (c) in paragraph (7) for “61” substitute “ 60 ”.

Commencement Information

III Sch. 7 para. 26 in force at 1.4.2010 by [S.I. 2010/507](#), **art. 5(v)**

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