

*Status: Point in time view as at 15/09/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011. (See end of Document for details)*

VALID FROM 31/10/2011

## SCHEDULES

VALID FROM 22/11/2012

### SCHEDULE 1

Section 1

#### POLICE AND CRIME COMMISSIONERS

.....

VALID FROM 22/11/2012

### SCHEDULE 2

Section 2

#### CHIEF CONSTABLES

.....

VALID FROM 16/01/2012

### SCHEDULE 3

Section 3

#### MAYOR'S OFFICE FOR POLICING AND CRIME

##### *Allowances*

- (1) The occupant of the Mayor's Office for Policing and Crime is to be paid authorised allowances.
- (2) In this paragraph “authorised allowances” means allowances, in respect of expenses incurred by the occupant of the Mayor's Office for Policing and Crime in the exercise of the functions of that Office, which are of the kinds and amounts designated by the Secretary of State as payable in accordance with this paragraph.
- (3) A determination under this paragraph may make different provision for different cases.
- (4) Payments under this paragraph are to be made by the Mayor's Office for Policing and Crime.

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### *Staff*

- 2 (1) The Mayor's Office for Policing and Crime must appoint a person to be the head of that Office's staff (referred to in this Part as the chief executive of the Mayor's Office for Policing and Crime).
- (2) The Mayor's Office for Policing and Crime may appoint such other staff (in addition to the chief executive, and the chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999) as the Office thinks appropriate to enable the Office to exercise its functions.
- (3) A reference in any enactment to the officers of a functional body of the Greater London Authority is, in the case of the Mayor's Office for Policing and Crime, to be read as a reference to the staff of that Office.
- 3 (1) The Mayor's Office for Policing and Crime must appoint a person to act as chief executive, if and for as long as—
- (a) that post is vacant, or
  - (b) the holder of that post is, in the opinion of the Mayor's Office for Policing and Crime, unable to carry out the duties of that post.
- (2) A reference in any enactment to the chief executive of the Mayor's Office for Policing and Crime includes a reference to a person acting as chief executive in accordance with sub-paragraph (1).

### *The Deputy Mayor for Policing and Crime*

- 4 (1) This paragraph applies to the person appointed under section 19 to be the Deputy Mayor for Policing and Crime.
- (2) None of the following may be appointed as the Deputy Mayor for Policing and Crime—
- (a) a person who has not attained the age of 18 on the day of appointment;
  - (b) a person who is subject to a relevant disqualification;
  - (c) a Member of the House of Commons;
  - (d) a member of the European Parliament;
  - (e) a member of the National Assembly for Wales;
  - (f) a member of the Scottish Parliament;
  - (g) a member of the Northern Ireland Assembly.
- (3) The terms and conditions of a person who is appointed as the Deputy Mayor for Policing and Crime must provide for the appointment to end not later than the day when the current term of office of the occupant of the Mayor's Office for Policing and Crime ends.
- (4) If, and for as long as, the person who is Deputy Mayor for Policing and Crime is a member of the London Assembly, the Deputy Mayor for Policing and Crime is not to be regarded as a member of staff of the Mayor's Office of Policing and Crime.
- (5) But sub-paragraph (4) does not prevent the person who is the Deputy Mayor for Policing and Crime from receiving allowances and gratuities under paragraph 6.
- (6) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy Mayor for Policing and Crime.

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(7) In this paragraph “current term of office”, in relation to the appointment of a member of staff by the occupant of the Mayor's Office for Policing and Crime, means the occupant's term of office which is running at the time the appointment is made.

(8) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—

- (a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
- (b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

#### *Notification of appointments*

(1) This paragraph applies to every appointment of a member of staff of the Mayor's Office for Policing and Crime.

(2) The Mayor's Office for Policing and Crime must notify the London Assembly of—

- (a) the name of the person appointed;
- (b) the post to which the person has been appointed; and
- (c) the terms and conditions on which the person has been appointed.

(3) In this paragraph, a reference to appointment of a person as a member of staff of the Mayor's Office for Policing and Crime includes a reference to a person who is already a member of staff of the Office being appointed to a different post within the staff of the Office.

#### *Remuneration etc of staff*

(1) The Mayor's Office for Policing and Crime may pay remuneration, allowances and gratuities to the members of the staff of the Office.

(2) The Mayor's Office for Policing and Crime may pay—

- (a) pensions to, or in respect of, persons who have been members of the staff of the Office, and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the staff of the Office.

(3) In this paragraph “allowances”, in relation to a member of the staff of the Mayor's Office for Policing and Crime, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

#### *Incidental powers*

(1) The Mayor's Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.

(2) That includes—

- (a) entering into contracts and other agreements (whether legally binding or not);

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- (b) acquiring and disposing of property (including land);
- (c) borrowing money.

(3) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of the Mayor's Office for Policing and Crime.

*Protection from personal liability*

8 (1) A person who is the occupant of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the exercise of the functions of the office unless it is shown to have been done otherwise than in good faith.

(2) A person who is a member of staff of the Mayor's Office for Policing and Crime has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.

*Financial year*

9 (1) The first financial year of the Mayor's Office for Policing and Crime is the period that—

- (a) begins with the day on which section 3 comes into force, and
- (b) ends with the relevant 31 March.

(2) After that, the financial year of the Mayor's Office for Policing and Crime is the period of 12 months ending with 31 March.

(3) In this paragraph “relevant 31 March”, in relation to the first financial year of the Mayor's Office for Policing and Crime, means—

- (a) if that financial year begins on or before 1 October, the first 31 March that falls after the beginning of the financial year;
- (b) if that financial year begins after 1 October, the second 31 March that falls after the beginning of the financial year.

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SCHEDULE 4

Section 4

COMMISSIONER OF POLICE OF THE METROPOLIS

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VALID FROM 22/11/2012

SCHEDULE 5

Section 26

ISSUING PRECEPTS

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VALID FROM 25/04/2012

SCHEDULE 6

Section 28

POLICE AND CRIME PANELS

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SCHEDULE 7

Section 31

REGULATIONS ABOUT COMPLAINTS AND CONDUCT MATTERS

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VALID FROM 22/11/2012

SCHEDULE 8

Section 38

APPOINTMENT, SUSPENSION AND REMOVAL OF SENIOR POLICE OFFICERS

.....

VALID FROM 25/04/2012

SCHEDULE 9

Section 57

SUPPLEMENTARY VOTE SYSTEM

.....

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VALID FROM 25/04/2012

SCHEDULE 10

Section 74

ELECTIONS OF POLICE AND CRIME COMMISSIONERS: CONSEQUENTIAL AMENDMENTS  
.....

VALID FROM 16/01/2012

SCHEDULE 11

Section 88

CRIME AND DISORDER STRATEGIES  
.....

VALID FROM 16/01/2012

SCHEDULE 12

Section 89

COLLABORATION AGREEMENTS

The Police Act 1996 is amended as follows.

1

2

(1) Section 23 (police force collaboration agreements) is amended in accordance with this paragraph.

(2) In the title, for “**Police force collaboration agreements**” substitute “**Collaboration agreements involving police forces**”.

(3) Omit subsection (1).

(4) In subsection (2), for the words before paragraph (a) substitute—

“(2) Force collaboration provision may, in particular, consist of provision—”.

(5) Omit subsection (3).

(6) In subsection (4), for “An agreement” substitute “ A collaboration agreement ”.

(7) In subsection (5), for “an agreement” substitute “ a collaboration agreement ”.

(8) Omit subsections (6), (7) and (8).

3

(1) Section 23A (police authority collaboration agreements) is amended in accordance with this paragraph.

(2) For the title substitute “ **Collaboration agreements involving policing bodies** ”.

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- (3) Omit subsection (1).
- (4) In subsection (2)—
- (a) for the words before paragraph (a) substitute—

“(2) Policing body collaboration provision, or policing body & force collaboration provision, may, in particular, consist of provision—”;
  - (b) in paragraphs (a) and (b), for “authorities” substitute “policing bodies”;
  - (c) in paragraph (c)—
    - (i) for “an authority” substitute “a policing body”;
    - (ii) for “another authority” (in each place) substitute “another policing body”.
- (5) In subsection (3), for “In this section” substitute “In relation to policing body collaboration provision, or policing body & force collaboration provision,”.
- (6) Omit subsection (4).
- (7) In subsection (5)—
- (a) for “A police authority may make an agreement” substitute “A policing body may make a collaboration agreement”;
  - (b) for “police authorities” substitute “policing bodies”.
- (8) For subsection (6), substitute—
- “(6) A policing body must consult the chief officer of police of the police force which the body is responsible for maintaining before making a collaboration agreement (unless that chief officer is a party to the agreement).”.
- (9) Omit subsection (7).
- 4 (1) Section 23B (collaboration agreements: payments) is amended in accordance with this paragraph.
- (2) In subsection (1), for “relevant police authorities” substitute “parties to the agreement”.
- (3) In subsection (2)—
- (a) after “may” insert “in the case of policing bodies or chief officers of police who are parties to the agreement”;
  - (b) in paragraph (a), for “authorities” (in each place) substitute “policing bodies or chief officers of police”.
- (4) In subsection (3), for “A relevant police authority” substitute “A policing body or chief officer of police”.
- (5) Omit subsections (4) and (5).
- 5 (1) Section 23C (collaboration agreements: consultation and supplemental) is amended in accordance with this paragraph.
- (2) Omit subsection (1).
- (3) After subsection (5) insert—

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“(6) If circumstances are such that one or more of the parties to a collaboration agreement would not, at a particular time, have power to enter into a collaboration agreement of that description (whether because of a failure to meet the requirements of section 22A(1) or (5) or otherwise) each person who does not have that power must cease to be a party to the agreement.”.

- 6 (1) Section 23D (collaboration agreements: accountability) is amended as follows.
- (2) In subsection (1)—
- (a) for “police force collaboration agreement” substitute “ collaboration agreement ”;
- (b) for “police authority” substitute “ policing body ”.
- (3) In subsection (2), for “approving an agreement as mentioned in section 23(6), a police authority” substitute “ making a collaboration agreement to which a chief officer of police is to be a party, a policing body ”.
- (4) In subsection (3)—
- (a) for “police authority” (in each place) substitute “ policing body ”;
- (b) for “consider making” substitute “ make ”.
- (5) In subsection (4), for “police authority” substitute “ policing body ”.
- 7 In section 23E (collaboration agreements: publication), in subsection (2), for the words before “must” substitute “ In a case where information is notified to a chief officer of police under section 23D(2), that information ”.
- 8 In section 23F (collaboration agreements: guidance), for “police authorities” (in each place) substitute “ policing bodies ”.
- 9 In section 23G (collaboration agreements: directions), in subsections (1) and (2), for “police authorities” substitute “ policing bodies ”.
- 10 After section 23H insert—

**“23HA Decisions about efficiency or effectiveness**

In reaching a conclusion about whether or not a collaboration agreement is, or would be, in the interests of efficiency or effectiveness of one or more police forces (the “police forces under consideration”), a person must, in particular, consider—

- (a) the existing collaboration agreements, and other arrangements for co-operation, to which the police forces under consideration are parties;
- (b) the desirability of police forces taking a consistent approach in making such agreements and other arrangements; and
- (c) the opportunities available to the police forces under consideration to make such agreements and other arrangements.”.

- 11 (1) Section 23I (collaboration agreements: definitions) is amended in accordance with this paragraph.
- (2) In subsection (1), for “23” substitute “ 22A ”.



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- (3) In subsection (4), for the words before paragraph (a) insert—
- “(4) Policing body” means—
- (aa) a local policing body.”
- (4) After subsection (4) insert—
- “(5) The following expressions have the meanings given in section 22A—
- “collaboration agreement”;
- “force collaboration provision”;
- “policing body collaboration provision”;
- “policing body & force collaboration provision”.
- (6) References to the police force which a policing body is responsible for maintaining include—
- (a) in the case of the British Transport Police Authority, the British Transport Police, and
- (b) in the case of the Civil Nuclear Police Authority, the Civil Nuclear Constabulary.
- (7) References to a police force include—
- (a) references to the special constables appointed by a chief officer of police, and
- (b) references to the civilian employees of the police force;
- and references to the members of a police force are to be read accordingly.
- (8) For that purpose “civilian employee” means—
- (a) in the case of a police force maintained under section 2 or 5A, the members of the civilian staff of that force;
- (b) in the case of any other police force, the employees of the policing body responsible for maintaining that force who are under the direction and control of the chief officer of police of that force.”.

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SCHEDULE 13

Section 90

POLICE POWERS FOR CIVILIAN EMPLOYEES UNDER COLLABORATION AGREEMENTS

*Police Act 1996*

After section 23A of the Police Act 1996 insert—

**“23AA Force collaboration provision about civilian employees**

- (1) This section applies to force collaboration provision, contained in a collaboration agreement, which is about the discharge of functions

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by designated civilian employees of one police force (the “assisting force”) for the purposes of another police force (the “assisted force”).

- (2) The force collaboration provision must specify—
- (a) the functions which the designated civilian employees are permitted by the collaboration agreement to discharge for the purposes of the assisted force, and
  - (b) any restrictions or conditions on that permission for the designated civilian employees to discharge those functions.
- (3) The force collaboration provision must not permit the designated civilian employees to discharge functions for the purposes of the assisted force unless those employees are, by virtue of the relevant section 38 designation, authorised to discharge those functions for the purposes of the assisting force.
- (4) The force collaboration provision does not authorise the designated civilian employees to discharge functions for the purposes of the assisted force (but see section 38B of the Police Reform Act 2002).
- (5) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force include references to—
- (a) the joint discharge of functions by the civilian employees and members of the assisted police force,
  - (b) the discharge of functions by the civilian employees in the assisted force's area, and
  - (c) the provision of the civilian employees to the assisted force.
- (6) In this section—
- “designated”, in relation to a civilian employee of a police force, means designated by the chief officer of police of that force by a section 38 designation;
- “relevant section 38 designation”, in relation to a designated civilian employee, means the section 38 designation relating to the employee;
- “section 38 designation” means a designation under section 38 of the Police Reform Act 2002.”.

*Police Reform Act 2002*

The Police Reform Act 2002 is amended as follows.

After section 38A insert—

**“38B Police powers for civilian employees under collaboration agreements**

- (1) The chief officer of police of a police force (the “assisted force”) may designate a person (“C”) who—
- (a) is a civilian employee of another police force (the “assisting force”),

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- (b) is designated under section 38 by the chief officer of police of the assisting police force (the “section 38 designation”), and
  - (c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.
- (2) The designation under subsection (1) (the “collaboration designation”) must designate C as an officer of one or more of the descriptions specified in section 38(2).
  - (3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.
  - (4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.
  - (5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.
  - (6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.
  - (7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.
  - (8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.
  - (9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.
  - (10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.
  - (11) In this section—
    - “civilian employee” has the meaning given by section 23I of the Police Act 1996;
    - “relevant police collaboration provision” means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

### **38C Designations under section 38B: supplementary provision**

- (1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.
- (2) Subsection (1) is in addition to section 38B(5) and (8).

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(3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.

(4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—

- (a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and
- (b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.

(5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.”

4 (1) Section 42 (supplementary provisions relating to designations and accreditations) is amended in accordance with this paragraph.

(2) In subsection (1), after “section 38” insert “, 38B”.

(3) After subsection (2) insert—

“(2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

- (a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and
- (b) identified or described in the designation.

In this subsection, “assisted force” and “assisting force” have the same meanings as in section 38B.”

(4) In subsection (2A), after “subsection (2)” insert “ or (2ZA) ”.

(5) In subsection (2B), after “section 38” insert “ (in relation to subsection (2)) or section 38B (in relation to subsection (2ZA)) ”.

(6) In subsection (3), after “section 38” insert “, 38B”.

(7) After subsection (7) insert—

“(7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.”

5 In section 46 (offences against designated and accredited persons etc), after subsection (4) insert—

“(5) References in this section to a designated person are to—

- (a) a designated person within the meaning given by section 47(1), and

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(b) a person in relation to whom a designation under section 38B is for the time being in force.”.

*Railways and Transport Safety Act 2003*

In section 28 of the Railways and Transport Safety Act 2003 (exercise of powers by civilians), after subsection (1)(aa) insert—

“(ab) sections 38B and 38C (police powers for civilian employees under collaboration agreements),”.

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SCHEDULE 14

Section 95

POLICE: COMPLAINTS

SCHEDULE 15

Section 98

POLICE REFORM: TRANSITIONAL PROVISION

VALID FROM 16/01/2012

SCHEDULE 16

Section 99

POLICE REFORM: MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 15/11/2011

SCHEDULE 17

Section 151

TEMPORARY CLASS DRUG ORDERS

*Amendments of the Misuse of Drugs Act 1971*

The Misuse of Drugs Act 1971 is amended in accordance with paragraphs 2 to 20.

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- 2 In section 2 (controlled drugs and their classification for purposes of Act),  
 in subsection (1)—
- (a) in paragraph (a), for the words after “specified” substitute “—
    - (i) in Part I, II or III of Schedule 2, or
    - (ii) in a temporary class drug order as a drug subject to temporary control (but this is subject to section 2A(6));”, and
  - (b) at the end of paragraph (b) insert “, and
    - (c) the expression “temporary class drug” means any substance or product which is for the time being a controlled drug by virtue of a temporary class drug order;”.

3 After section 2 insert—

**“2A Temporary class drug orders**

- (1) The Secretary of State may make an order (referred to in this Act as a “temporary class drug order”) specifying any substance or product as a drug subject to temporary control if the following two conditions are met.
- (2) The first condition is that the substance or product is not a Class A drug, a Class B drug or a Class C drug.
- (3) The second condition is that—
  - (a) the Secretary of State has consulted in accordance with section 2B and has determined that the order should be made, or
  - (b) the Secretary of State has received a recommendation under that section that the order should be made.
- (4) The Secretary of State may make the determination mentioned in subsection (3)(a) only if it appears to the Secretary of State that—
  - (a) the substance or product is a drug that is being, or is likely to be, misused, and
  - (b) that misuse is having, or is capable of having, harmful effects.
- (5) A substance or product may be specified in a temporary class drug order by reference to—
  - (a) the name of the substance or product, or
  - (b) a description of the substance or product (which may take such form as the Secretary of State thinks appropriate for the purposes of the specification).
- (6) A substance or product specified in a temporary class drug order as a drug subject to temporary control ceases to be a controlled drug by virtue of the order—
  - (a) at the end of one year beginning with the day on which the order comes into force, or
  - (b) if earlier, upon the coming into force of an Order in Council under section 2(2) by virtue of which the substance or product is specified in Part 1, 2 or 3 of Schedule 2.

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- (7) Subsection (6)—
- (a) is subject to subsection (10), and
  - (b) is without prejudice to the power of the Secretary of State to vary or revoke a temporary class drug order by a further order.
- (8) The power of the Secretary of State to make an order under this section is subject to section 2B.
- (9) An order under this section is to be made by statutory instrument.
- (10) An order under this section—
- (a) must be laid before Parliament after being made, and
  - (b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless before the end of that period the order is approved by a resolution of each House of Parliament.
- (11) In calculating that period of 40 days no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (12) Subsection (10)(b)—
- (a) is without prejudice to anything previously done or to the power of the Secretary of State to make a new order under this section;
  - (b) does not apply to an order that only revokes a previous order under this section.

## **2B Orders under section 2A: role of Advisory Council etc**

- (1) Before making an order under section 2A the Secretary of State—
- (a) must consult as mentioned in subsection (2), or
  - (b) must have received a recommendation from the Advisory Council to make the order.
- (2) The Secretary of State must consult—
- (a) the Advisory Council, or
  - (b) if the order is to be made under section 2A(1) and the urgency condition applies, the person mentioned in subsection (3).
- (3) The person referred to in subsection (2)(b) is—
- (a) the person who is for the time being the chairman of the Advisory Council appointed under paragraph 1(3) of Schedule 1, or
  - (b) if that person has delegated the function of responding to consultation under subsection (1)(a) to another member of the Advisory Council, that other member.
- (4) The “urgency condition” applies if it appears to the Secretary of State that the misuse of the substance or product to be specified in the order as a drug subject to temporary control, or the likelihood of its misuse, poses an urgent and significant threat to public safety or health.



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(5) The duty of the Advisory Council or any other person consulted under subsection (1)(a) is limited to giving to the Secretary of State that person's opinion as to whether the order in question should be made.

(6) A recommendation under subsection (1)(b) that a temporary class drug order should be made may be given by the Advisory Council only if it appears to the Council that—

- (a) the substance or product is a drug that is being, or is likely to be, misused, and
- (b) that misuse is having, or is capable of having, harmful effects.”.

In section 3 (restriction of importation and exportation of controlled drugs), in subsection (2)(a) after “this Act” insert “ or by provision made in a temporary class drug order by virtue of section 7A ”.

In section 4(1) (restriction of production and supply of controlled drugs), after “this Act” insert “ , or any provision made in a temporary class drug order by virtue of section 7A, ”.

In section 5 (restriction of possession of controlled drugs), after subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply in relation to a temporary class drug.”.

In section 7 (authorisation of activities otherwise unlawful under foregoing provisions of Act), after subsection (9) insert—

“(10) In this section a reference to “controlled drugs” does not include a reference to temporary class drugs (see instead section 7A).”.

After section 7 insert—

**“7A Temporary class drug orders: power to make further provision**

(1) This section applies if a temporary class drug order specifies a substance or product as a drug subject to temporary control.

(2) The order may—

- (a) include provision for the exception of the drug from the application of section 3(1)(a) or (b) or 4(1)(a) or (b),
- (b) make such other provision as the Secretary of State thinks fit for the purpose of making it lawful for persons to do things in respect of the drug which under section 4(1) it would otherwise be unlawful for them to do,
- (c) provide for circumstances in which a person's possession of the drug is to be treated as excepted possession for the purposes of this Act, and
- (d) include any provision in relation to the drug of a kind that could be made in regulations under section 10 or 22 if the drug were a Class A drug, a Class B drug or a Class C drug (but ignoring section 31(3)).



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	<p>(3) Provision under subsection (2) may take the form of applying (with or without modifications) any provision made in regulations under section 7(1), 10 or 22.</p> <p>(4) Provision under subsection (2)(b) may (in particular) provide for the doing of something to be lawful if it is done—</p> <ul style="list-style-type: none"><li>(a) in circumstances mentioned in section 7(2)(a), or</li><li>(b) in compliance with such conditions as may be prescribed by virtue of section 7(2)(b).</li></ul> <p>(5) Section 7(8) applies for the purposes of this section.</p> <p>(6) Section 31(1) (general provision as to regulations) applies in relation to a temporary class drug order that contains provision made by virtue of this section as it applies to regulations under this Act.”.</p>
9	<p>In section 9A (prohibition of supply etc of articles for administering or preparing controlled drugs), in subsection (4)—</p> <ul style="list-style-type: none"><li>(a) at the end of paragraph (a) omit “or”,</li><li>(b) in paragraph (b) after “of a controlled drug” insert “, other than a temporary class drug, ”, and</li><li>(c) at the end of that paragraph insert “, or</li></ul> <ul style="list-style-type: none"><li>(c) the administration by any person of a temporary class drug to himself in circumstances where having the drug in his possession is to be treated as excepted possession for the purposes of this Act (see section 7A(2)(c)).”.</li></ul>
10	<p>In section 10 (power to make regulations for preventing misuse of controlled drugs), after subsection (2) insert—</p> <p>“(3) In this section a reference to “controlled drugs” does not include a reference to temporary class drugs (see instead section 7A).”.</p>
11	<p>In section 11 (power to direct special precautions for safe custody of controlled drugs to be taken at certain premises), in subsection (1) after “of this Act” insert “ or by provision made in a temporary class drug order by virtue of section 7A that is of a corresponding description to such regulations ”.</p>
12	<p>(1) Section 13 (directions prohibiting prescribing, supply etc of controlled drugs by practitioners in other cases) is amended as follows.</p> <p>(2) In subsection (1)—</p> <ul style="list-style-type: none"><li>(a) after “section 10(2) of this Act” insert “ or of corresponding provision made in a temporary class drug order ”, and</li><li>(b) after “said paragraph (i)” insert “ or of any such corresponding provision ”.</li></ul> <p>(3) After subsection (1) insert—</p> <p>“(1A) For the purposes of subsection (1), provision made in a temporary class drug order is “corresponding provision” if it—</p> <ul style="list-style-type: none"><li>(a) is made by virtue of section 7A(2)(d), and</li></ul>

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13	<p>(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) 10(2)(i).”.</p> <p>In section 18 (miscellaneous offences), after subsection (4) insert—</p>
	<p>“(5) In this section (and in references in Schedule 4 that refer to this section), any reference to regulations made under this Act is to be taken as including a reference to provision made in a temporary class drug order by virtue of section 7A.</p> <p>(6) For this purpose, a reference in subsection (1) or (2) to regulations made in pursuance of section 10(2)(h) or (i) is a reference to any provision of a temporary class drug order which—</p> <p>(a) is made by virtue of section 7A(2)(d), and</p> <p>(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) (i).”.</p>
14	<p>In section 22 (further power to make regulations)—</p> <p>(a) renumber the existing provision as subsection (1), and</p> <p>(b) after that subsection insert—</p> <p>“(2) The power to make regulations under this section does not apply in relation to temporary class drugs (see instead section 7A).”.</p>
15	<p>(1) Section 23 (powers to search and obtain evidence) is amended as follows.</p> <p>(2) In subsection (2) after “any regulations” insert “ or orders ”.</p> <p>(3) In subsection (3)(a) after “any regulations” insert “ or orders ”.</p>
16	<p>After section 23 insert—</p> <p><b>“23A Temporary class drugs: further power to search, seize and detain</b></p> <p>(1) Subsection (3) applies in any case where—</p> <p>(a) a constable has reasonable grounds to suspect that a person (“P”) is in possession of a temporary class drug, and</p> <p>(b) it does not appear to the constable that a power under section 23(2) applies to the case.</p> <p>(2) But if any provision has been made by virtue of section 7A(2)(c) (excepted possession) that applies to the temporary class drug in question, subsection (3) applies only if the constable has no reason to believe that P’s possession of the drug is to be treated as excepted possession for the purposes of this Act.</p> <p>(3) The constable may—</p> <p>(a) search P, and detain P for the purposes of searching P;</p> <p>(b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;</p> <p>(c) seize and detain anything found in the course of the search which appears to the constable to be a temporary class drug or to be evidence of an offence under this Act.</p>

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	<p>In this subsection, “vessel” has the same meaning as in section 23(2).</p> <p>(4) Subsection (5) applies if a constable reasonably believes that anything detained under subsection (3)(c) is a temporary class drug but is not evidence of any offence under this Act.</p> <p>(5) The constable may dispose of the drug in such manner as the constable thinks appropriate.</p> <p>(6) A person who intentionally obstructs a constable in the exercise of the constable's powers under subsection (3) commits an offence.”.</p>
17	<p>(1) Section 25 (prosecution and punishment of offences) is amended as follows.</p> <p>(2) After subsection (2) insert—</p> <p>“(2A) Subsection (2B) applies if an offence specified in the first column of Schedule 4 is committed in relation to a temporary class drug.</p> <p>(2B) The punishments which may be imposed on a person convicted of the offence summarily or (as the case may be) on indictment in relation to the temporary class drug are the same as those which could be imposed had the person been convicted of the offence in that way in relation to a Class B drug (see the fifth column of Schedule 4).”.</p> <p>(3) After subsection (3) insert—</p> <p>“(3A) The punishments which may be imposed on a person convicted of an offence under section 23A(6) are the same as those which, under Schedule 4, may be imposed on a person convicted of an offence under section 23(4).”.</p>
18	<p>In section 30 (licenses and authorities) after “of regulations” insert “ or orders ”.</p>
19	<p>In section 37(1) (interpretation), after the definition of “supplying” insert—</p> <p>““temporary class drug order” means an order made under section 2A(1);”.</p>
20	<p>In section 38(1) (special provisions as to Northern Ireland) for “2, 7,” substitute “ 2, 2A, 2B, 7, 7A, ”.</p>
	<p style="text-align: center;"><i>Amendments of other legislation</i></p>
21	<p>In Schedule 1 to the Customs and Excise Management Act 1979 (controlled drugs: variation of punishments for certain offences)—</p> <p>(a) in paragraph 1—</p> <p>(i) in the opening words for “or a Class B drug” substitute “ , Class B drug or a temporary class drug ”, and</p> <p>(ii) in paragraph (b)(ii) of the substituted words after “ Class B drug ” insert “ or a temporary class drug ”, and</p> <p>(b) in paragraph 3, for “and “Class C drug”” substitute “ , “Class C drug” and “temporary class drug””.</p>

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In section 19 of the Criminal Justice (International Co-operation) Act 1990 (ships used for illicit traffic), in subsection (4)(b) after “Class B drug” insert “ or a temporary class drug ”.

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