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## SCHEDULES

### SCHEDULE 1

Section 9.

#### SPECIAL PROCEDURE

##### Modifications etc. (not altering text)

- C1** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a)(5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), Sch. 1 applied with modifications by [S.I. 1985/1800](#), [arts. 3-11](#), [Schs. 1, 2](#)
- C2** Sch. 1 extended (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990](#) (c. 5, SIF 39:1), [s. 7\(1\)](#); [S.I. 1991/1072](#), [art. 2](#), [Sch. Pt. I](#)  
Sch. 1 extended (17.5.1996) by [S.I. 1996/1296](#), [art. 16\(1\)](#).  
Sch. 1: power to apply conferred (30.9.2003) by [2001 c. 19](#), [ss. 6\(2\), 39\(2\)](#) (with [s. 16\(7\)](#)); [S.I. 2003/2268](#), [art. 2](#)
- C3** Sch. 1 applied (with modifications) (2.12.2002) by [Police Reform Act 2002](#) (c. 30), [s. 38](#), [Sch. 4 para. 17\(a\)\(b\)](#); [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(d\)](#)  
Sch. 1 applied (with modifications) (14.10.2002) by [The Police and Criminal Evidence Act 1984 \(Department of Trade and Industry Investigations\) Order 2002](#) (S.I. 2002/2326), [arts. 3, 4](#)
- C4** Sch. 1 incorporated (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008](#) (S.I. 2008/1261), [art. 52](#)
- C5** Sch. 1 applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013](#) (S.I. 2013/1542), [arts. 1, 3\(2\)-\(4\)](#), [Sch. 1](#) (with [arts. 4-11](#))
- C6** Sch. 1 applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013](#) (S.I. 2013/1542), [arts. 1, 12\(2\)-\(4\)](#), [Sch. 2](#) (with [arts. 13-31](#))
- C7** Sch. 1 applied (with modifications) (30.4.2017) by [The Police and Criminal Evidence Act 1984 \(Application to Labour Abuse Prevention Officers\) Regulations 2017](#) (S.I. 2017/520), [regs. 1, 2, 3\(e\)](#), [Sch.](#)
- C8** Sch. 1 applied (with modifications) (1.4.2018) by [The Welsh Revenue Authority \(Powers to Investigate Criminal Offences\) Regulations 2018](#) (S.I. 2018/400), [regs. 1\(2\), 3\(1\)\(3\)](#), [Sch.](#) (with [regs. 4-8](#))

#### *Making of orders by circuit judge*

- 1 If on an application made by a constable a circuit judge is satisfied that one or other of the sets of access conditions is fulfilled, he may make an order under paragraph 4 below.
- 2 The first set of access conditions is fulfilled if—
- (a) there are reasonable grounds for believing—
- (i) that [F<sup>1</sup>an indictable offence] has been committed;
- (ii) that there is material which consists of special procedure material or includes special procedure material and does not also include

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- excluded material on premises specified in the application [<sup>F2</sup>, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify);]
- (iii) that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation in connection with which the application is made; and
- (iv) that the material is likely to be relevant evidence;
- (b) other methods of obtaining the material—
- (i) have been tried without success; or
- (ii) have not been tried because it appeared that they were bound to fail; and
- (c) it is in the public interest, having regard—
- (i) to the benefit likely to accrue to the investigation if the material is obtained; and
- (ii) to the circumstances under which the person in possession of the material holds it,
- that the material should be produced or that access to it should be given.

#### Textual Amendments

- F1** Words in Sch. 1 para. 2(a)(i) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 Pt. 3 para. 43\(13\)](#); S.I. 2005/3495, [art. 2\(1\)\(m\)](#)
- F2** Words in Sch. 1 para. 2(a)(ii) added (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 113(11), 178; S.I. 2005/3495, [art. 2\(1\)\(n\)](#)

- 3 The second set of access conditions is fulfilled if—
- (a) there are reasonable grounds for believing that there is material which consists of or includes excluded material or special procedure material on premises specified in the application [<sup>F3</sup>, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify);]
- (b) but for section 9(2) above a search of [<sup>F4</sup>such premises] for that material could have been authorised by the issue of a warrant to a constable under an enactment other than this Schedule; and
- (c) the issue of such a warrant would have been appropriate.

#### Textual Amendments

- F3** Words in Sch. 1 para. 3(a) added (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 113(11), 178; S.I. 2005/3495, [art. 2\(1\)\(n\)](#)
- F4** Words in Sch. 1 para. 3(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 113(12), 178; S.I. 2005/3495, [art. 2\(1\)\(n\)](#)

- 4 An order under this paragraph is an order that the person who appears to the circuit judge to be in possession of the material to which the application relates shall—

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- (a) produce it to a constable for him to take away; or
- (b) give a constable access to it,

not later than the end of the period of seven days from the date of the order or the end of such longer period as the order may specify.

- 5 Where the material consists of information [<sup>F5</sup>stored in any electronic form]—
- (a) an order under paragraph 4(a) above shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible [<sup>F6</sup>or from which it can readily be produced in a visible and legible form]; and
  - (b) an order under paragraph 4(b) above shall have effect as an order to give a constable access to the material in a form in which it is visible and legible.

#### Textual Amendments

- F5** Words in Sch. 1 para. 5 substituted (1.4.2003) by 2001 c. 16, ss. 70, 138(2), Sch. 2 Pt. 2 para. 14(a); S.I. 2003/708, art. 2(k)
- F6** Words in Sch. 1 para. 5(a) inserted (1.4.2003) by 2001 c. 16, ss. 70, 138(2), Sch. 2 Pt. 2 para. 14(b); S.I. 2003/708, art. 2(k)

- 6 For the purposes of sections 21 and 22 above material produced in pursuance of an order under paragraph 4(a) above shall be treated as if it were material seized by a constable.

#### *Notices of applications for orders*

- 7 An application for an order under paragraph 4 above [<sup>F7</sup>that relates to material that consists of or includes journalistic material ] shall be made inter partes.

#### Textual Amendments

- F7** Words in Sch. 1 para. 7 inserted (26.5.2015) by Deregulation Act 2015 (c. 20), ss. 82(3)(a), 115(7); S.I. 2015/994, art. 6(o)

- 8 Notice of an application for [<sup>F8</sup>an order under paragraph 4 above that relates to material that consists of or includes journalistic material ] may be served on a person either by delivering it to him or by leaving it at his proper address or by sending it by post to him in a registered letter or by the recorded delivery service.

#### Textual Amendments

- F8** Words in Sch. 1 para. 8 substituted (26.5.2015) by Deregulation Act 2015 (c. 20), ss. 82(3)(b), 115(7); S.I. 2015/994, art. 6(o)

- 9 [<sup>F9</sup>Notice of an application for an order under paragraph 4 above that relates to material that consists of or includes journalistic material ] may be served—
- (a) on a body corporate, by serving it on the body's secretary or clerk or other similar officer; and
  - (b) on a partnership, by serving in on one of the partners.

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#### Textual Amendments

- F9** Words in Sch. 1 para. 9 substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), ss. 82\(3\)\(c\), 115\(7\); S.I. 2015/994, art. 6\(o\)](#)

- 10 For the purposes of [<sup>F10</sup> paragraph 8 ], and of section 7 of the <sup>M1</sup>Interpretation Act 1978 in its application to [<sup>F10</sup> paragraph 8 ], the proper address of a person, in the case of secretary or clerk or other similar officer of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.

#### Textual Amendments

- F10** Words in Sch. 1 para. 10 substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), ss. 82\(3\)\(d\), 115\(7\); S.I. 2015/994, art. 6\(o\)](#)

#### Marginal Citations

- M1** 1978 c. 30.

- 11 Where notice of an application for an order under paragraph 4 above has been served on a person, he shall not conceal, destroy, alter or dispose of the material to which the application relates except—
- (a) with the leave of a judge; or
  - (b) with the written permission of a constable,
- until—
- (i) the application is dismissed or abandoned; or
  - (ii) he has complied with an order under paragraph 4 above made on the application.

#### *Issue of warrants by circuit judge*

- 12 If on an application made by a constable a circuit judge—
- (a) is satisfied—
    - (i) that either set of access conditions is fulfilled; and
    - (ii) that any of the further conditions set out in paragraph 14 below is also fulfilled [<sup>F11</sup>in relation to each set of premises specified in the application]; or
  - (b) is satisfied—
    - (i) that the second set of access conditions is fulfilled; and
    - (ii) that an order under paragraph 4 above relating to the material has not been complied with,
- he may issue a warrant authorising a constable to enter and search the premises [<sup>F12</sup>or (as the case may be) all premises occupied or controlled by the person referred to in paragraph 2(a)(ii) or 3(a), including such sets of premises as are specified in the application (an “all premises warrant”)].

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#### Textual Amendments

- F11** Words in Sch. 1 para. 12(a)(ii) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(13\)\(a\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)
- F12** Words in Sch. 1 para. 12 inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(13\)\(b\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)

- [<sup>F13</sup>12A The judge may not issue an all premises warrant unless he is satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question; and
  - (b) that it is not reasonably practicable to specify all the premises which he occupies or controls which might need to be searched.]

#### Textual Amendments

- F13** Sch. 1 para. 12A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(14\)](#), 178; [S.I. 2005/3495](#), [art. 2\(1\)\(n\)](#)

- 13 A constable may seize and retain anything for which a search has been authorised under paragraph 12 above.
- 14 The further conditions mentioned in paragraph 12 (a)(ii) above are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises <sup>F14</sup> . . . ;
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material;
  - (c) that the material contains information which—
    - (i) is subject to a restriction or obligation such as is mentioned in section 11(2)(b) above; and
    - (ii) is likely to be disclosed in breach of it if a warrant is not issued;
  - (d) that service of notice of an application for an order under paragraph 4 above may seriously prejudice the investigation.

#### Textual Amendments

- F14** Words in Sch. 1 para. 14(a) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 113\(15\)](#), 178, [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), [art. 2\(1\)\(n\)\(t\)\(u\)\(xxiv\)](#)

- 15 (1) If a person fails to comply with an order under paragraph 4 above, a circuit judge may deal with him as if he had committed a contempt of the Crown Court.
- (2) Any enactment relating to contempt of the Crown Court shall have effect in relation to such a failure as if it were such a contempt.

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### <sup>F15</sup>Procedural rules

#### Textual Amendments

**F15** Sch. 1 para. 15A and cross-heading inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 82\(3\)\(e\)](#), [115\(7\)](#); [S.I. 2015/994](#), [art. 6\(o\)](#)

15A Criminal Procedure Rules may make provision about proceedings under this Schedule, other than proceedings for an order under paragraph 4 above that relates to material that consists of or includes journalistic material.]

#### Costs

16 The costs of any application under this Schedule and of anything done or to be done in pursuance of an order made under it shall be in the discretion of the judge.

### <sup>F16</sup>SCHEDULE 1A

#### Textual Amendments

**F16** Sch. 1A repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 111](#), [174](#), [178](#), [Sch. 7 Pt. 1 para. 24\(3\)](#), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), [art. 2\(1\)\(m\)\(t\)\(u\)\(xxiv\)](#)

### SCHEDULE 2

Section 26.

#### Modifications etc. (not altering text)

**C9** Sch. 2 incorporated (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), [art. 52](#)

### PRESERVED POWERS OF ARREST

F17	F17
...	...
F17	F17
...	...
F18	F18
...	...
F17	F17
...	...
1952 c. 52.	Section 49 of the Prison Act 1952.

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1952 c. 67.	Section 13 of the Visiting Forces Act 1952.
F19	F19
...	...
F19	F19
...	...
F19	F19
...	...
F17	F17
...	...
1969 c. 54.	[ <sup>F20</sup> Section] 32 of the Children and Young Persons Act 1969.
1971 c. 77.	Section 24(2) of the Immigration Act 1971 and paragraphs 17, 24 and 33 of Schedule 2 and paragraph 7 of Schedule 3 to that Act.
...	...
F21	F21
1976 c. 63.	Section 7 of the Bail Act 1976.
F17	F17
...	...
F22	F22
...	...
F23	F23
...	...
F17	F17
...	...
F24	F24
...	...
1983 c. 20.	Sections 18, 35(10), 36(8), 38(7), 136(1) and 138 of the Mental Health Act 1983.
...	...
F25	F25
1984 c. 47.	Section 5(5) of the Repatriation of Prisoners Act 1984.

#### Textual Amendments

- F17** Entries in Sch. 2 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 174, 178, Sch. 7 Pt. 1 para. 24(4), [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(m\)\(t\)\(u\)\(xxiv\)](#)
- F18** [Sch. 2](#): entry relating to section 2 of the Emergency Powers Act 1920 repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 3](#); S.I. 2005/2040, [art. 3\(n\)\(r\)](#)

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- F19** Entries in Sch. 2 repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F20** Word in Sch. 2 substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), **Sch. 13 para. 55** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F21** Entry repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, **Sch. 1 Pt. I**
- F22** Entry in Sch. 2 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F23** Entry in Sch. 2 relating to the Reserve Forces Act 1980 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch.11** (with s. 72(5)); S.I. 1997/305, **art.2.**
- F24** Entry in Sch. 2 repealed (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 11, 13(b) (with art. 6, Sch. 2)
- F25** Entry repealed by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(2), **Sch. 9 Pt. I**

## [<sup>F26</sup>SCHEDULE 2A

Section 63A(4)

### FINGERPRINTING AND SAMPLES: POWER TO REQUIRE ATTENDANCE AT POLICE STATION

#### Textual Amendments

- F26** Sch. 2A inserted (E.W.) (7.3.2011 except for the insertion of Sch. 2A paras. 4, 12) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(2)**, 59(1); S.I. 2011/414, art. 2(d)

## PART 1

### FINGERPRINTING

#### *Persons arrested and released*

- 1 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5A).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within [<sup>F27</sup> section 61(5A)(b)(i)] (fingerprints taken on previous occasion insufficient etc ) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied.
- (3) In sub-paragraph (2) above “ appropriate officer ” means the officer investigating the offence for which the person was arrested.
- [<sup>F28</sup>(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]



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#### Textual Amendments

- F27** Words in Sch. 2A para. 1(2) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(2\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F28** Sch. 2A para. 1(4) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(2\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

#### *Persons charged etc*

- 2 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5B).
- (2) The power under sub-paragraph (1) above may not be exercised after the end of the period of six months beginning with—
- (a) in a case falling within section 61(5B)(a) (fingerprints not taken previously), the day on which the person was charged or informed that he would be reported, or
  - (b) in a case falling within [F29 section 61(5B)(b)(i)] (fingerprints taken on previous occasion insufficient etc), the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied. [F30, or
  - (c) in a case falling within section 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.]
- (3) In sub-paragraph (2)(b) above “appropriate officer” means the officer investigating the offence for which the person was charged or informed that he would be reported.

#### Textual Amendments

- F29** Words in Sch. 2A para. 2(2)(b) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(3\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F30** Sch. 2A para. 2(2)(c) and word inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(3\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

#### *Persons convicted etc of an offence in England and Wales*

- 3 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6).
- (2) Where the condition in section 61(6ZA)(a) is satisfied (fingerprints not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted [F31 or cautioned], or
  - (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 61(6ZA)(b) is satisfied (fingerprints taken on previous occasion insufficient etc), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—

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- (a) the day on which an appropriate officer was informed that section 61(3A) (a) or (b) applied, or
  - (b) if later, the day on which this Schedule comes into force.
- (4) In sub-paragraph (3)(a) above “ appropriate officer ” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction [ <sup>F32</sup> or caution ] ).

**Textual Amendments**

- F31** Words in Sch. 2A para. 3(2)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 11(2)(a)** (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F32** Words in Sch. 2A para. 3(5) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 11(2)(b)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

*Persons subject to a control order*

<sup>F33</sup>4 .....

**Textual Amendments**

- F33** Sch. 2A para. 4 omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), **Sch. 7 para. 2** (with Sch. 8)

*Persons convicted etc of an offence outside England and Wales*

PROSPECTIVE

[ <sup>F34</sup>5 A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6D).

**Textual Amendments**

- F34** Sch. 2A inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 6(2), 59**

*Multiple attendance*

PROSPECTIVE

6 (1) Where a person's fingerprints have been taken under section 61 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have his fingerprints taken under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.

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- (2) Where an authorisation is given under sub-paragraph (1) above—
- (a) the fact of the authorisation, and
  - (b) the reasons for giving it,
- shall be recorded as soon as practicable after it has been given.

**Textual Amendments**

**F34** Sch. 2A inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(2)**, 59

**PART 2**

INTIMATE SAMPLES

*Persons suspected to be involved in an offence*

PROSPECTIVE

- 7 A constable may require a person to attend a police station for the purpose of taking an intimate sample from him under section 62(1A) if, in the course of the investigation of an offence, two or more non-intimate samples suitable for the same means of analysis have been taken from him but have proved insufficient.

**Textual Amendments**

**F34** Sch. 2A inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(2)**, 59

*Persons convicted etc of an offence outside England and Wales*

PROSPECTIVE

- 8 A constable may require a person to attend a police station for the purpose of taking a sample from him under section 62(2A) if two or more non-intimate samples suitable for the same means of analysis have been taken from him under section 63(3E) but have proved insufficient.

**Textual Amendments**

**F34** Sch. 2A inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(2)**, 59

*Status: Point in time view as at 01/12/2020.*

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### PART 3

#### NON-INTIMATE SAMPLES

##### *Persons arrested and released*

- 9 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3ZA).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling [F35 within section 63(3ZA)(b)(i) or (ii) ] (sample taken on a previous occasion not suitable etc ) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3ZA)(b) (i) or (ii).
- (3) In sub-paragraph (2) above, “ appropriate officer ” means the officer investigating the offence for which the person was arrested.
- [F36(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]

#### **Textual Amendments**

- F35** Words in Sch. 2A para. 9(2) substituted (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 86(4)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F36** Sch. 2A para. 9(4) inserted (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 86(4)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

##### *Persons charged etc*

- 10 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3A).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(a) (sample not taken previously) after the end of the period of six months beginning with the day on which he was charged or informed that he would be reported.
- (3) The power under sub-paragraph (1) above may not be exercised in a case falling [F37 within section 63(3A)(b)(i) or (ii) ] (sample taken on a previous occasion not suitable etc ) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in section 63(3A)(b)(i) or (ii).
- (4) In sub-paragraph (3) above “ appropriate officer ” means the officer investigating the offence for which the person was charged or informed that he would be reported.
- [F38(5) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]

*Status: Point in time view as at 01/12/2020.*

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#### Textual Amendments

- F37** Words in Sch. 2A para. 10(3) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(5\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F38** Sch. 2A para. 10(5) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(5\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

#### *Persons convicted etc of an offence in England and Wales*

- 11 (1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3B).
- (2) Where the condition in section 63(3BA)(a) is satisfied (sample not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted [<sup>F39</sup> or cautioned ] , or
  - (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 63(3BA)(b) is satisfied (sample taken on a previous occasion not suitable etc ), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which an appropriate officer was informed of the matters specified in section 63(3BA)(b)(i) or (ii), or
  - (b) if later, the day on which this Schedule comes into force.
- (4) In sub-paragraph (3)(a) above “ appropriate officer ” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where—
- (a) the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction [<sup>F40</sup> or caution ] ), or
  - (b) he was convicted before 10th April 1995 and is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies.

#### Textual Amendments

- F39** Words in Sch. 2A para. 11(2)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 11\(3\)\(a\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F40** Words in Sch. 2A para. 11(5)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 11\(3\)\(b\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

#### *Persons subject to a control order*

<sup>F41</sup>12 .....

#### Textual Amendments

- F41** Sch. 2A para. 12 omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), [Sch. 7 para. 2](#) (with Sch. 8)

*Status: Point in time view as at 01/12/2020.*

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PROSPECTIVE

*Persons convicted etc of an offence outside England and Wales*

- 13 A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under section 63(3E).

PROSPECTIVE

*Multiple exercise of power*

- 14 (1) Where a non-intimate sample has been taken from a person under section 63 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have another such sample taken from him under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1) above—
- (a) the fact of the authorisation, and
  - (b) the reasons for giving it,
- shall be recorded as soon as practicable after it has been given.

**PART 4**

GENERAL AND SUPPLEMENTARY]

PROSPECTIVE

*Requirement to have power to take fingerprints [ , sample or photograph]*

- 15 A power conferred by this Schedule to require a person to attend a police station for the purposes of taking fingerprints [<sup>F42</sup>, a sample or a photograph] under any provision of this Act may be exercised only in a case where the fingerprints [<sup>F43</sup>, sample or photograph] may be taken from the person under that provision (and, in particular, if any necessary authorisation for taking the fingerprints [<sup>F43</sup>, sample or photograph] under that provision has been obtained).

**Textual Amendments**

**F42** Words in Sch. 2A para. 15 substituted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), ss. 52(7)(a), 208(5)(e)

**F43** Words in Sch. 2A para. 15 substituted (28.6.2022) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), ss. 52(7)(b), 208(5)(e)

*Status: Point in time view as at 01/12/2020.*

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PROSPECTIVE

*Date and time of attendance*

- 16 <sup>F44</sup>(1) A requirement under this Schedule—
- (a) must direct the person to attend the police station on a specified date, and
  - (b) may either direct the person to attend the police station at a specified time on that date or direct the person to attend the police station between specified times on that date.]
- (2) In specifying a <sup>F45</sup>date, time or times] for the purposes of sub-paragraph (1) above, the constable shall consider whether the fingerprints <sup>F46</sup>, sample or photograph] could reasonably be taken at a time when the person is for any other reason required to attend the police station.
- <sup>F47</sup>(3) .....
- <sup>F48</sup>(4) .....
- (5) If the constable giving a requirement under this Schedule and the person to whom it is given so agree, it may be varied so as to specify <sup>F49</sup>any date, time at which or times between which] the person must attend; but a variation shall not have effect unless confirmed by the constable in writing.

**Textual Amendments**

- F44** Sch. 2A para. 16(1) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 53\(2\)](#), 208(5)(e) (with s. 53(6))
- F45** Words in Sch. 2A para. 16(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 53\(3\)](#), 208(5)(e) (with s. 53(6))
- F46** Words in Sch. 2A para. 16(2) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 52\(8\)](#), 208(5)(e)
- F47** Sch. 2A para. 16(3) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 53\(4\)](#), 208(5)(e) (with s. 53(6))
- F48** Sch. 2A para. 16(4) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 53\(4\)](#), 208(5)(e) (with s. 53(6))
- F49** Words in Sch. 2A para. 16(5) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 53\(5\)](#), 208(5)(e) (with s. 53(6))

PROSPECTIVE

*Enforcement*

- 17 A constable may arrest without warrant a person who has failed to comply with a requirement under this Schedule.]

*Status: Point in time view as at 01/12/2020.*

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### <sup>F50</sup>SCHEDULE 3

#### Textual Amendments

**F50** Sch. 3 repealed (14.4.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, art. 2(c), **Sch.**

### <sup>F55</sup>SCHEDULE 4

#### Textual Amendments

**F55** Sch. 4 repealed (1.4.1999) by 1996 c. 16, s. 103, Sch. 8 para. 2, **Sch. 9 Pt.II**; S.I. 1999/533, art. 2(a)

### <sup>F60</sup><sup>F60</sup>SCHEDULE 5

#### Textual Amendments

**F60** Sch. 5 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174, 178, Sch. 7 Pt. 3 para. 43(14), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(t)(u)(xxiv)

## SCHEDULE 6

Section 119.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### Modifications etc. (not altering text)

**C10** Sch. 6 incorporated (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. 52

## PART I

### ENGLAND AND WALES

#### *Game Act 1831 (c. 32)*

1 The following section shall be inserted after section 31 of the Game Act 1831—



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**“31A Powers of constables in relation to trespassers.**

The powers conferred by section 31 above to require a person found on land as mentioned in that section to quit the land and to tell his christian name, surname, and place of abode shall also be exercisable by a police constable.”.

*Metropolitan Police Act 1839 (c. 47)*

- 2 In section 39 of the Metropolitan Police Act 1839 (fairs within the metropolitan police district) after the word “amusement” there shall be inserted the words “shall be guilty of an offence”.

*Railway Regulation Act 1840 (c. 97)*

- 3 In section 16 of the Railway Regulation Act 1840 (persons obstructing officers of railway company or trespassing upon railway) for the words from “and” in the third place where it occurs to “justice,” in the third place where it occurs there shall be substituted the words “, upon conviction by a magistrates’ court, at the discretion of the court,”.

*London Hackney Carriages Act 1843 (c. 86)*

- 4 In section 27 of the London Hackney Carriages Act 1843 (no person to act as driver of carriage without consent of proprietor) for the words after “constable” there shall be substituted the words “if necessary, to take charge of the carriage and every horse in charge of any person unlawfully acting as a driver and to deposit the same in some place of safe custody until the same can be applied for by the proprietor.”.

*Town Gardens Protection Act 1863 (c. 13)*

- 5 In section 5 of the Town Gardens Protection Act 1863 (penalty for injuring garden) for the words from the beginning to “district” there shall be substituted the words “Any person who throws any rubbish into any such garden, or trespasses therein, or gets over the railings or fence, or steals or damages the flowers or plants, or commits any nuisance therein, shall be guilty of an offence and”.

*Parks Regulation Act 1872 (c. 15)*

- 6 The following section shall be substituted for section 5 of the Parks Regulation Act 1872 (apprehension of offender whose name or residence is not known)—

- “5 Any person who—
- (a) within the view of a park constable acts in contravention of any of the said regulations in the park where the park constable has jurisdiction; and
  - (b) when required by any park constable or by any police constable to give his name and address gives a false name or false address,
- shall be liable on summary conviction to a penalty of an amount not exceeding level 1 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982.”.

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*Dogs (Protection of Livestock) Act 1953 (c. 28)*

- 7 In the Dogs (Protection of Livestock) Act 1953 the following section shall be inserted after section 2—

**“2A Power of justice of the peace to authorise entry and search.**

If on an application made by a constable a justice of the peace is satisfied that there are reasonable grounds for believing—

- (a) that an offence under this Act has been committed; and
- (b) that the dog in respect of which the offence has been committed is on premises specified in the application,

he may issue a warrant authorising a constable to enter and search the premises in order to identify the dog.”.

*Army Act 1955 (c. 18) Air Force Act 1955 (c. 19)*

- 8 **F80** .....

**Textual Amendments**

**F80** Sch. 6 para. 8 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006](#) (c. 52), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059)

*Sexual Offences Act 1956 (c. 69)*

- 9 **F81** .....

**Textual Amendments**

**F81** Sch. 6 Pt. 1 para. 9 repealed (1.5.2004) by [Sexual Offences Act 2003](#) (c. 42), ss. 140, 141, [Sch. 7](#); S.I. 2004/874, [art. 2](#)

*Game Laws (Amendment) Act 1960 (c. 36)*

- 10 In subsection (1) of section 2 of the Game Laws (Amendment) Act 1960 (power of police to enter on land) for the words “purpose of exercising any power conferred on him by the foregoing section” there shall be substituted the words “purpose—
- (a) of exercising in relation to him the powers under section 31 of the Game Act 1831 which section 31A of that Act confers on police constables; or
  - (b) of arresting him in accordance with section 25 of the Police and Criminal Evidence Act 1984.”.
- 11 In subsection (1) of section 4 of that Act (enforcement powers) for the words from “under”, in the first place where it occurs, to “thirty-one” there shall be substituted the words “, in accordance with section 25 of the Police and Criminal Evidence Act 1984, for an offence under section one or section nine of the <sup>M5</sup>Night Poaching Act 1828, or under section thirty”.

*Status: Point in time view as at 01/12/2020.*

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**Marginal Citations**

**M5** 1828 c. 69.

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

12 <sup>F82</sup> .....

**Textual Amendments**

**F82** Sch. 6 para. 12 repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356, 358, [Sch. 17](#) (with ss. 352, 354); S.I. 2006/3272, [art. 2\(4\)](#) (with savings in [art. 6](#), [Sch. 4](#)) (as amended by S.I. 2006/3361, [art. 2](#))

*Deer Act 1963 (c. 36)*

<sup>F83</sup>13 .....

**Textual Amendments**

**F83** Sch. 6 para. 13 repealed (25.10.1991) by [Deer Act 1991 \(c. 54, SIF 4:3\)](#), ss. 17(6), 18(3), [Sch4](#)

*Police Act 1964 (c. 48)*

<sup>F84</sup>14 .....

**Textual Amendments**

**F84** Sch. 6 paras. 14-15 repealed (1.4.1995) by [1994 c. 29, s. 93](#), [Sch. 9 Pt.1](#); S.I. 1994/3262, [art. 4](#), [Sch..](#)

<sup>F85</sup>15 .....

**Textual Amendments**

**F85** Sch. 6 paras. 14-15 repealed (1.4.1995) by [1994 c. 29, s. 93](#), [Sch. 9 Pt.1](#); S.I. 1994/3262, [art. 4](#), [Sch..](#)

16 <sup>F86</sup> .....

**Textual Amendments**

**F86** Sch. 6 para. 16 repealed by [Police Officers \(Central Service\) Act 1989 \(c. 11, SIF 95\)](#), s. 3, [Sch.](#)

*Criminal Law Act 1967 (c. 58)*

17 <sup>F87</sup> .....

*Status: Point in time view as at 01/12/2020.*

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**Textual Amendments**

**F87** Sch. 6 para. 17 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2005/3495, [art. 2\(1\)\(m\)\(t\)\(u\)\(xxiv\)](#)

*Theatres Act 1968 (c. 54)*

18 In section 15(1) of the Theatres Act 1968 (powers of entry and inspection) for the words “fourteen days” there shall be substituted the words “one month”.

*Children and Young Persons Act 1969 (c. 54)*

19 In the Children and Young Persons Act 1969—<sup>F88</sup>

- (a) .....
- (b) the following section shall be substituted for section 29—

“**29** A child or young person arrested in pursuance of a warrant shall not be released unless he or his parent or guardian (with or without sureties) enters into a recognisance for such amount as the custody officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognisance entered into in pursuance of this section may, if the custody officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.”.

**Textual Amendments**

**F88** Sch. 6 para. 19(a) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

*Immigration Act 1971 (c. 77)*

20 In section 25(3) of the Immigration Act 1971 for the words “A constable or” there shall be substituted the word “An”.

*Criminal Justice Act 1972 (c. 71)*

21 In subsection (1) of section 34 of the Criminal Justice Act 1972 (powers of constable to take drunken offender to treatment centre) for the words from the beginning to “section the” there shall be substituted the words “On arresting an offender for an offence under—

- (a) section 12 of the Licensing Act 1872; or
- (b) section 91(1) of the Criminal Justice Act 1967,

a ”.

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F89 . . .

**Textual Amendments**

**F89** Sch. 6 para. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F90<sup>22</sup> . . . . .

**Textual Amendments**

**F90** Sch. 6 para. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

*Deer Act 1980 (c. 49)*

F91<sup>23</sup> . . . . .

**Textual Amendments**

**F91** Sch. 6 para. 23 repealed (25.10.1991) by Deer Act 1991 (c. 54, SIF 4:3), ss. 17(6), 18(3), **Sch.4**

*Animal Health Act 1981 (c. 22)*

24 In subsection (5) of section 60 of the Animal Health Act 1981 (enforcement powers) for the words “a constable or other officer” there shall be substituted the words “an officer other than a constable”.

*Wildlife and Countryside Act 1981 (c. 69)*

25 In subsection (2) of section 19 of the Wildlife and Countryside Act 1981 (enforcement powers) after the words “subsection (1)” there shall be inserted the words “or arresting a person, in accordance with section 25 of the Police and Criminal Evidence Act 1984, for such an offence”.

*Mental Health Act 1983 (c. 20)*

26 In section 135(4) of the Mental Health Act 1983 for the words “the constable to whom it is addressed”, in both places where they occur, there shall be substituted the words “a constable”.

27 . . . . . F92

**Textual Amendments**

**F92** Sch. 6 para. 27 repealed by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 25(2), **Sch. 9 Pt. I**

*Status: Point in time view as at 01/12/2020.*

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**PART II**

**OTHER AMENDMENTS**

*Army Act 1955 (c. 18)*

28 F93 .....

**Textual Amendments**  
F93 Sch. 6 para. 28 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059)

*Air Force Act 1955 (c. 19)*

29 F94 .....

**Textual Amendments**  
F94 Sch. 6 para. 29 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059)

*Police (Scotland) Act 1967 (c. 77)*

30 In section 6(2) of the Police (Scotland) Act 1967 (constables below rank of assistant chief constable) for the words “an assistant chief constable or a constable holding the office of deputy chief constable” there shall be substituted the words “a deputy chief constable or an assistant chief constable”.

31 In section 7(1) of that Act (ranks) after the words “chief constable,” there shall be inserted the words “deputy chief constable,”.

32 In section 26(7) of that Act (disciplinary authority) immediately before the words “deputy chief constable” there shall be inserted the word “any”.

33 In section 31(2) of that Act (compulsory retirement of chief constable etc.) for the words “the deputy or an assistant chief constable” there shall be substituted the words “a deputy or assistant chief constable”.

*Courts-Martial (Appeals) Act 1968 (c. 20)*

F95<sup>34</sup> .....

**Textual Amendments**  
F95 Sch. 6 para. 34 repealed (11.5.2001) by [2001 c. 19](#), s. 38, [Sch. 7 Pt. 5](#)

*Status: Point in time view as at 01/12/2020.*

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*House of Commons Disqualification Act 1975 (c. 24) Northern  
Ireland Assembly Disqualification Act 1975 (c. 25)*

35 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order—

“The Police Complaints Authority”.

*Armed Forces Act 1976 (c. 52)*

<sup>F96</sup>36 .....

**Textual Amendments**

**F96** Sch. 6 para. 36 repealed (11.5.2001) by 2001 c. 19 s. 38, Sch. 7 Pt. 5

*Customs and Excise Management Act 1979 (c. 2)*

37 The following subsection shall be substituted for section 138(4) of the Customs and Excise Management Act 1979—

“(4) Where any person has been arrested by a person who is not an officer—  
(a) by virtue of this section; or  
(b) by virtue of section 24 of the Police and Criminal Evidence Act 1984 in its application to offences under the customs and excise Acts,  
the person arresting him shall give notice of the arrest to an officer at the nearest convenient office of customs and excise.”.

38 In section 161 of that Act—

- (a) in subsection (3), for the words from “that officer” to the end of the subsection there shall be substituted the words “any officer and any person accompanying an officer to enter and search the building or place named in the warrant within one month from that day”; and
- (b) in subsection (4), for the words “person named in a warrant under subsection (3) above” there shall be substituted the words “other person so authorised”.

*Betting and Gaming Duties Act 1981 (c. 63)*

39 In the following provisions of the Betting and Gaming Duties Act 1981, namely—

- <sup>F97</sup>(a) .....
- (b) <sup>F98</sup> .....
- (c) <sup>F98</sup> .....
- (d) <sup>F98</sup> .....

for the words “fourteen days” there shall be substituted the words “one month”.

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#### Textual Amendments

- F97** Sch. 6 para. 39(a) repealed (19.3.1997), having effect in relation to any gaming on or after 1.10.1997, by 1997 c. 16, s. 113, **Sch. 18, Pt. 11**, note 1.
- F98** Sch. 6 para. 39(b)-(d) repealed (19.7.2007 with effect in accordance with s. 84(5) of the repealing Act) by Finance Act 2007 (c. 11), s. 114, **Sch. 27 Pt. 5(1)**

#### *Car Tax Act 1983 (c. 53)*

40 **F99** .....

#### Textual Amendments

- F99** Sch. 9 para. 40 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **ss. 1(1)**, {Sch. 1 Pt. 9 Group 5}

#### *Value Added Tax Act 1983 (c. 55)*

**F100** 41 .....

#### Textual Amendments

- F100** Sch. 6 para. 41 repealed (1.9.1994) by 1994 c. 23, **ss. 100(2), 101(1)**, **Sch. 15**

## SCHEDULE 7

Section 119.

### REPEALS

#### Modifications etc. (not altering text)

- C11** Sch. 7 incorporated (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 52**

## PART I

### ENACTMENTS REPEALED IN CONSEQUENCE OF PARTS I TO V

Chapter	Short title	Extent of repeal
5 Geo. 4. c. 83.	Vagrancy Act 1824.	Section 8. Section 13.
1 & 2 Will. 4. c. 32.	Game Act 1831.	In section 31, the words “or for any police constable”.



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2 & 3 Vict. c. 47.	Metropolitan Police Act 1839.	Section 34.  In section 38, the words from “it” to “and” in the sixth place where it occurs.  In section 39, the words “to take into custody”.  In section 47, the words “take into custody” and the words “, and every person so found”.  In section 54, the words from “And” to the end of the section.  In section 62, the words from “may” in the first place where it occurs to “and” in the second place where it occurs.  Sections 63 to 67.
3 & 4 Vict. c. 50.	Canals (Offences) Act 1840.	The whole Act.
5 & 6 Vict. c. 55.	Railway Regulation Act 1842.	In section 17, the words “or for any special constable duly appointed,”.
8 & 9 Vict. c. 20.	Railways Clauses Consolidation Act 1845.	In section 104, the words “and all constables, gaolers, and police officers,”.
10 & 11 Vict. c. 89	Town Police Clauses Act 1847.	In section 15, the words “may be taken into custody, without a warrant, by any constable, or” and the words from “Provided” to the end of the section.  In section 28, the words from “and” in the first place where it occurs to “offence” in the second place where it occurs.
14 & 15 Vict. c. 19	Prevention of Offences Act 1851.	Section 11.
23 & 24 Vict. c. 32.	Ecclesiastical Courts Jurisdiction Act 1860.	In section 3, the words “constable or”
24 & 25 Vict. c. 100.	Offences against the Person Act 1861.	In section 65, the words “in the daytime”.
34 & 35 Vict. c. 96.	Pedlars Act 1871.	Sections 18 and 19.

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35 & 36 Vict. c. 93.	Pawnbrokers Act 1872.	In section 36, the words “, within the hours of business,”.
38 & 39 Vict. c. 17.	Explosives Act 1875.	In section 78, the words “a constable, or”.
52 & 53 Vict. c. 18.	Indecent Advertisements Act 1889.	Section 6.
52 & 53 Vict. c. 57.	Regulation of Railways Act 1889.	In section 5(2), the words “or any constable”.
8 Edw. 7. c. 66.	Public Meeting Act 1908.	In section 1, in subsection (3) the words from “and” in the sixth place where it occurs to the end of the subsection.
1 & 2 Geo. 5. c. 28.	Official Secrets Act 1911.	In section 9(1), the words “named therein”.
15 & 16 Geo. 5. c. 71.	Public Health Act 1925.	Section 74(2) and (3).
23 & 24 Geo. 5. c. 12.	Children and Young Persons Act 1933.	Section 10(2).  Section 13(1) and (2).  In section 40, in subsection (1) the words “named therein” and in subsection (4) the words “addressed to and”.
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	Section 68.
1 & 2 Eliz. 2. c. 14.	Prevention of Crime Act 1953.	Section 1(3).
3 & 4 Eliz. 2. c. 28.	Children and Young Persons (Harmful Publications) Act 1955.	In section 3(1), the words “named therein”.
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	Section 40.  In section 43(1), the word “named”.
5 & 6 Eliz. 2. c. 53.	Naval Discipline Act 1957.	In section 106(1), the words from “may” in the first place where it occurs to “and”.
7 & 8 Eliz. 2. c. 66.	Obscene Publications Act 1959.	In section 3(1), the words “, within fourteen days from the date of the warrant,”.
8 & 9 Eliz. 2. c. 36.	Game Laws (Amendment) Act 1960.	Section 1.
1963 c. 2.	Betting, Gaming and Lotteries Act 1963.	In section 51(1), the words “at any time within fourteen days from the time of the

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		issue of the warrant” and the words “arrest and”.
1963 c. 36.	Deer Act 1963.	Section 5(1)(c).
1964 c. 26.	Licensing Act 1964.	Section 187(5).
1967 c. 58.	Criminal Law Act 1967.	Section 2.
1968 c. 27.	Firearms Act 1968.	In section 46(1), the words “named therein”.
		Section 50.
1968 c. 52.	Caravan Sites Act 1968.	Section 11(5).
1968 c. 60.	Theft Act 1968.	Section 12(3).
		Section 26(2).
1968 c. 65.	Gaming Act 1968.	Section 5(2).
		In section 43, in subsection (4), the words “at any time within fourteen days from the time of the issue of the warrant”, and in subsection (5)(b), the words “arrest and”.
1970 c. 30.	Conservation of Seals Act 1970.	Section 4(1)(a).
1971 c. 38.	Misuse of Drugs Act 1971.	Section 24.
1971 c. 77.	Immigration Act 1971.	In Schedule 2, in paragraph 17(2), the words “acting for the police area in which the premises are situated,” and the words “at any time or times within one month from the date of the warrant”.
1972 c. 20.	Road Traffic Act 1972.	Section 19(3).
		Section 164(2).
1972 c. 27.	Road Traffic (Foreign Vehicles) Act 1972.	Section 3(2).
1972 c. 71.	Criminal Justice Act 1972.	Section 34(3).
1973 c. 57.	Badgers Act 1973.	Section 10(1)(b).
1974 c. 6.	Biological Weapons Act 1974.	In section 4(1), the words “named therein”.
1976 c. 32.	Lotteries and Amusements Act 1976.	In section 19, the words “at any time within 14 days from the time of the issue of the warrant”.

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1976 c. 58.	International Carriage of Perishable Foodstuffs Act 1976.	Section 11(6).
1977 c. 45.	Criminal Law Act 1977.	Section 11. Section 62.
1979 c. 2.	Customs and Excise Management Act 1979.	In section 138, in subsections (1) and (2), the words “or constable”.
1980 c. 43.	Magistrates’ Courts Act 1980.	Section 49.
1980 c. 49.	Deer Act 1980.	Section 4(1)(c).
1980 c. 66.	Highways Act 1980.	Section 137(2).
1980 c. x.	County of Merseyside Act 1980.	Section 33.
1980 c. xi.	West Midlands County Council Act 1980.	Section 42.
1981 c. 14.	Public Passenger Vehicles Act 1981.	Section 25(2).
1981 c. 22.	Animal Health Act 1981.	In section 60, subsection (3), in subsection (4) the words “or apprehending”, and in subsection (5) the words “constable or”, in the second place where they occur.
1981 c. 42.	Indecent Displays (Control) Act 1981.	Section 2(1).  In section 2(3), the words “within fourteen days from the date of issue of the warrant”.
1981 c. 47.	Criminal Attempts Act 1981.	Section 9(4).
1981 c. 69.	Wildlife and Countryside Act 1981.	Section 19(1)(c).
1982 c. 48.	Criminal Justice Act 1982.	Section 34.
1983 c. 2.	Representation of the People Act 1983.	In section 97(3), the words from “and” in the fifth place where it occurs to “him” in the third place where it occurs.

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1983 c. 20.	Mental Health Act 1983.	In Section 135, in subsections (1) and (2), the words “named in the warrant”.
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#### Textual Amendments

**F101** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

## PART II

### ENACTMENTS REPEALED IN RELATION TO CRIMINAL PROCEEDINGS IN CONSEQUENCE OF PART VII

Chapter	Short title	Extent of repeal
1971 c. liv.	Cornwall County Council Act 1971.	Section 98(4).
1972 c. xlvi.	Hampshire County Council Act 1972.	Section 86(2).

## PART III

### ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF PART VII

Chapter	Short title	Extent of repeal
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 198(1), the words “of this section and of sections 198A and 198B of this Act”. Sections 198A and 198B.
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	In section 198(1), the words “of this section and of sections 198A and 198B of this Act”. Sections 198A and 198B.
1965 c. 20.	Criminal Evidence Act 1965.	The whole Act.
1969 c. 48.	Post Office Act 1969.	In section 93(4), the words “the Criminal Evidence Act 1965 and”. In Schedule 4, paragraph 77.
1981 c. 55.	Armed Forces Act 1981.	Section 9.
1981 c. xviii.	County of Kent Act 1981.	Section 82.

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1983 c. 55.	Value Added Tax Act 1983.	In Schedule 7, paragraph 7(7) and (8).
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#### PART IV

##### ENACTMENTS REPEALED IN RELATION TO CRIMINAL PROCEEDINGS IN CONSEQUENCE OF PART VIII

Chapter	Short title	Extent of repeal
14 & 15 Vict. c. 99.	Evidence Act 1851.	Section 13.
28 & 29 Vict. c. 18.	Criminal Procedure Act 1865.	In section 6, the words from “and a certificate” onwards.
34 & 35 Vict. c. 112.	Prevention of Crimes Act 1871.	Section 18 except the words “A previous conviction in any one part of the United Kingdom may be proved against a prisoner in any other part of the United Kingdom.”.

#### PART V

##### ENACTMENTS REPEALED GENERALLY IN CONSEQUENCE OF PART VIII

Chapter	Short title	Extent of repeal
16 & 17 Vict. c. 83.	Evidence (Amendment) Act 1853.	Section 3.
46 & 47 Vict. c. 3.	Explosive Substances Act 1883.	Section 4(2).
58 & 59 Vict. c. 24.	Law of Distress Amendment Act 1895.	Section 5.
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 1, the words “and the wife or husband, as the case may be, of the person so charged” the words (in paragraph (b)) “or of the wife or husband, as the case may be, of the person so charged” and paragraphs (c) and (d). Section 4. In section 6(1), the words from “notwithstanding” to the end. The Schedule.

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4 & 5 Geo. 5, c. 58.	Criminal Justice Administration Act 1914.	Section 28(3).
19 & 20 Geo. 5. c. 34.	Infant Life (Preservation) Act 1929.	Section 2(5).
23 & 24 Geo. 5. c. 12.	Children and Young Persons Act 1933.	Section 15.  Section 26(5).
4 & 5 Eliz. 2. c. 69.	Sexual Offences Act 1956.	Section 12(2) and (3). Section 15(4) and (5). Section 16(2) and (3). Section 39.  In Schedule 3, the entry relating to section 15 of the Children and Young Persons Act 1933.
8 & 9 Eliz. 2. c. 33.	Indecency with Children Act 1960.	In section 1, subsection (2) and in subsection (3) the words “except in section 15 (which relates to the competence as a witness of the wife or husband of the accused)”.
1965 c. 72.	Matrimonial Causes Act 1965.	Section 43(1).
1968 c. 60.	Theft Act 1968.	Section 30(3).
1970 c. 55.	Family Income Supplements Act 1970.	Section 12(5).
1973 c. 38.	Social Security Act 1973.	In Schedule 23, paragraph 4.
1975 c. 14.	Social Security Act 1975.	Section 147(6).
1975 c. 16.	Industrial Injuries and Diseases (Old Cases) Act 1975.	Section 10(4).
1975 c. 61.	Child Benefit Act 1975.	Section 11(8).
1976 c. 71.	Supplementary Benefits Act 1976.	Section 26(5).
1977 c. 45.	Criminal Law Act 1977.	In section 54(3), the words “subsection (2) (competence of spouse of accused to give evidence)”.
1978 c. 37.	Protection of Children Act 1978.	Section 2(1).
1979 c. 18.	Social Security Act 1979.	Section 16.

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1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 4.
1982 c. 24.	Social Security and Housing Benefits Act 1982.	Section 21(6).

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## PART VI

### MISCELLANEOUS REPEALS

Chapter	Short title	Extent of repeal
2 & 3 Vict. c. 47.	Metropolitan Police Act 1839.	Section 7.
34 & 35 Vict. c. 96.	Pedlars Act 1871.	In section 18, the words from “or” where secondly occurring to “Act,” and the words from “and forthwith” to the end of the section.
1964 c. 48.	Police Act 1964.	Section 49. Section 50.
1967 c. 77.	Police (Scotland) Act 1967.	Section 5(3) and section 17(6).
1972 c. 11.	Superannuation Act 1972.	In Schedule 1, the reference to the Police Complaints Board.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Police Complaints Board.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Police Complaints Board.
1976 c. 46.	Police Act 1976.	section 1(1) to (4). Sections 2 to 13. Section 14(2). In the Schedule, paragraphs 1 to 3, in paragraph 4, the words “remuneration” and “allowances” and paragraphs 5 to 13.

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