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SCHEDULES

^{F1} SCHEDULE 1

Sections 1(7) and 47(7).

Textual Amendments

F1 Schs. 1-2A repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 106, Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)

^{F1} SCHEDULE 2

Sections 1(7) and 47(7).

^{F1} SCHEDULE 2A

FURTHER PROVISIONS ABOUT SERVICE AUTHORITIES

Powers

1

Committees

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Proceedings

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PROSPECTIVE

^{F1}4

Arrangements for discharge of functions by Service Authorities

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8

Interpretation

9

^{F2}SCHEDULE 3

Section 17(6).

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Textual Amendments

F2 Sch. 3 (paras. 1-5) repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2223, **art. 3(j)(i)(ii)**

^{F7}SCHEDULE 4

Section 44(1).

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Textual Amendments

F7 Sch. 4 repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

^{F8}SCHEDULE 5

Section 62(6).

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Textual Amendments

F8 Sch. 5 (paras. 1-5) repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2323, **art. 3(l)(ii)**

SCHEDULE 6

Section 88.

APPLICATION TO NCS SERVICE AUTHORITY OF LOCAL GOVERNMENT ENACTMENTS

Local Government Act 1972 (c. 70)

1 ^{F13}

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Textual Amendments

F13 Sch. 6 para. 1 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4); and that same provision expressed to be repealed by 2000 c. 22, ss. 107(2), 108(3)(c)(vii), Sch. 6

2 **F14**

Textual Amendments

F14 Sch. 6 para. 2 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4); and that same provision expressed to be repealed by 2000 c. 22, ss. 107(2), 108(3)(c)(vii), Sch. 6

3 **F15**

Textual Amendments

F15 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

4 **F16**

Textual Amendments

F16 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

- 5 (1) Section 107 (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (7) for “(a) and (b)” there shall be substituted “ (a), (aa) and (b) ”.
- (3) **F17**

Textual Amendments

F17 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

- 6 (1) Section 146A (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “subsection (1A)” there shall be substituted “ subsections (1A) and (1AA) ”, and
 - (b) for “shall be” there shall be substituted “ and the Service Authority for the National Crime Squad shall each be ”.
- (3) In subsection (1A)—
- (a) for “A” there shall be substituted “ Neither a ”,

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- (b) ^{F18}
- (c) the word “not” shall be omitted.

(4) ^{F18}

Textual Amendments

F18 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Commencement Information

II Sch. 6 para. 6 wholly in force at 31.10.1997; Sch. 6 para. 6 not in force at Royal Assent, see s. 135; Sch. 6 para. 6 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

7 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad ”.

8 ^{F19}

Textual Amendments

F19 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

9 ^{F20}

Textual Amendments

F20 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

10 ^{F21}

Textual Amendments

F21 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Local Government Act 1974 (c. 7)

11 ^{F22}

Textual Amendments

F22 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

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Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

12 F23

Textual Amendments

F23 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

13 F24

Textual Amendments

F24 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Local Government, Planning and Land Act 1980 (c. 65)

14 F25

Textual Amendments

F25 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

15 F26

Textual Amendments

F26 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

16 F27

Textual Amendments

F27 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

17 F28

Textual Amendments

F28 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

18 F29

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Textual Amendments

F29 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

Local Government Finance Act 1982 (c. 32)

F30 19

Textual Amendments

F30 Sch. 6 para. 19 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

F31 20

Textual Amendments

F31 Sch. 6 para. 20 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

F32 21

Textual Amendments

F32 Sch. 6 para. 21 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

F33 22

Textual Amendments

F33 Sch. 6 para. 22 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

Local Government Act 1986 (c. 10)

23 **F34**

Textual Amendments

F34 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

24 **F35**

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Textual Amendments

F35 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

PROSPECTIVE

Local Government Act 1988 (c. 9)

25 **F36**

Textual Amendments

F36 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

26 **F37**

Textual Amendments

F37 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Local Government Finance Act 1988 (c. 41)

27 **F38**

Textual Amendments

F38 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

28 **F39**

Textual Amendments

F39 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Local Government and Housing Act 1989 (c. 42)

29 In section 21 of the Local Government and Housing Act 1989, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.), in paragraph (g), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.

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Commencement Information

I2 Sch. 6 para. 29 wholly in force at 31.10.1997; Sch. 6 para. 29 not in force at Royal Assent, see s. 135; Sch. 6 para. 29 in force at 31.10.1997 by [S.I. 1997/2390](#), [art. 2](#) (with [arts. 3-7](#) (of which [arts. 4-7](#) were revoked (1.4.1998) by [S.I. 1998/354](#), [art. 7](#)))

30 **F40**

Textual Amendments

F40 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344](#), [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

31 **F41**

Textual Amendments

F41 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344](#), [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

32 **F42**

Textual Amendments

F42 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344](#), [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

F43 SCHEDULE 7

Textual Amendments

F43 Sch. 7 repealed (25.9.2000) by [2000 c. 23](#), ss. 70(2)(c), 82(2), [Sch. 5](#) (with s. 82(3)); [S.I. 2000/2543](#), [art. 2](#) (and by art. 6(1) of that S.I. the repeal is expressed to be brought into force at 2.10.2000 subject to the provisions of art. 6(2)-(5))

F45 SCHEDULE 8

Section 109(2).

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Textual Amendments

F45 Sch. 8 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, art. 3(q) (with art. 6)

[^{F46}SCHEDULE 8A

OFFENCES WHICH MUST ALWAYS BE DISCLOSED

Textual Amendments

F46 Schs. 8A, 8B inserted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), [3\(8\)](#) (with arts. 5-10, 12)

Common law offences

1. Abduction.
2. Abortion.
3. Assault to the danger of life.
4. Assault to severe injury.
5. Assault with intent to rape or ravish.
6. Assault with intent to commit the statutory offence of rape.
7. Bestiality.
8. Cruel and unnatural treatment of persons.
9. Culpable homicide.
10. Drugging.
11. Extortion.
12. Hamesucken.
13. Hijacking.
14. Piracy.
15. Plagium.
16. Reset of plagium.
17. Treason.
18. Uttering threats.

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Statutory offences

Armed forces

19. An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) where the corresponding offence under the law of England and Wales is, or corresponds to, an offence listed in this schedule.

Aviation and maritime

20. An offence under the Piracy Act 1837.
21. An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 1 (hijacking);
 - (b) section 2 (destroying, damaging or endangering safety of aircraft);
 - (c) section 3 (other acts endangering or likely to endanger safety of aircraft); and
 - (d) section 4 (offences in relation to certain dangerous articles).
22. An offence under section 9 of the Aviation and Maritime Security Act 1990 (hijacking of ships).
- [^{F47}23. An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).]

Textual Amendments

F47 Sch. 8A para. 23 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 2\(b\)](#) (with arts. 17-23, 274(2)-(4))

Textual Amendments

F47 Sch. 8A para. 23 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 2\(b\)](#) (with arts. 17-23, 274(2)-(4))

Children

24. An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (cruelty to persons under 16).

Explosives

25. An offence under the Explosive Substances Act 1883.

Firearms and other weapons

26. An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 4 (conversion of weapons);
 - (b) section 5 (weapons subject to a general prohibition);
 - (c) section 16 (possession of firearm with intent to injure);

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- (d) section 16A (possession of firearm with intent to cause fear or violence);
 - (e) section 17 (use of firearm to resist arrest);
 - (f) section 18 (carrying firearm with criminal intent);
 - (g) section 19 (carrying firearm in a public place);
 - (h) section 20 (trespassing with firearm);
 - (i) section 21 (possession of firearm by persons previously convicted of crime);
 - (j) section 24 (supplying firearms to minors);
 - (k) section 25 (supplying firearm to person drunk or insane);
 - (l) section 28A(7) (certificates: supplementary);
 - (m) section 29 (variation of firearm certificates);
 - (n) section 30D(3) (revocation of certificates: supplementary);
 - (o) section 39 (offences in connection with registration);
 - (p) section 40 (compulsory register of transactions in firearms);
 - (q) section 46(5) (power of search with warrant);
 - (r) section 47 (powers of constables to stop and search); and
 - (s) section 48 (production of certificates).
27. An offence under the Chemical Weapons Act 1996.

Forced marriage

28. An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

Human trafficking and exploitation

29. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).
30. An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
31. An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).
32. An offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.

Medical professions etc.

33. An offence under section 10Z9 of the National Health Service (Scotland) Act 1978 (offences in relation to registration).
34. An offence under any of the following provisions of the Medical Act 1983—
- (a) section 49 (penalty for pretending to be registered); and
 - (b) section 49A (penalty for pretending to hold a licence to practise).
35. An offence under article 38 (offences relating to the Register) of the Pharmacy Order 2010.

Medicines

36. An offence under any of the following provisions of the Medicines Act 1968—

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- (a) section 67(1A) and (1B) (offences under Part III); and
- (b) section 78 (restrictions on use of titles, descriptions and emblems).

Official Secrets Acts

37. An offence under the Official Secrets Act 1911.

Prostitution

38. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 7 (procuring);
 - (b) section 11 (trading in prostitution and brothel-keeping); and
 - (c) section 12 (allowing child to be in brothel).

Road traffic

39. An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving);
 - (b) section 3ZC (causing death by driving: disqualified drivers); and
 - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

Serious organised crime

40. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 28 (involvement in serious organised crime);
 - (b) section 30 (directing serious organised crime); and
 - (c) section 31 (failure to report serious organised crime).

Sexual offences

41. An offence under section 50(3) of the Customs and Excise Management Act 1979 (penalty for improper importation of goods) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876, but only where the prohibited goods include indecent photographs of persons.
42. A sexual offence within the meaning given by section 210A(10) of the Criminal Procedure (Scotland) Act 1995 other than an offence mentioned in paragraph (xxvii)(ZF) or (ZG) of that section (engaging while an older child in sexual conduct with or towards another older child).
43. An offence under section 113 of the Sexual Offences Act 2003 (breach of sexual offences prevention order or interim sexual offences prevention order, etc.).
44. An offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO etc.).

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Stalking and harassment

45. An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially aggravated harassment).
46. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
 - (a) section 38 (threatening or abusive behaviour); and
 - (b) section 39 (offence of stalking).

Terrorism

47. An offence under any of the following provisions of the Terrorism Act 2000—
 - (a) section 11 (membership);
 - (b) section 12 (support);
 - (c) section 15 (fund-raising);
 - (d) section 16 (use and possession);
 - (e) section 17 (funding arrangements);
 - (f) section 17A(2) or (4) (insurance payments made in response to terrorist demands);
 - (g) section 18 (money laundering);
 - (h) section 19 (disclosure of information: duty);
 - (i) section 21A (failure to disclose: regulated sector);
 - (j) section 21D (tipping off: regulated sector);
 - (k) section 38B (information about acts of terrorism);
 - (l) section 39 (disclosure of information, &c.);
 - (m) section 54 (weapons training);
 - (n) section 56 (directing terrorist organisation);
 - (o) section 57 (possession for terrorist purposes);
 - (p) section 58 (collection of information);
 - (q) section 58A (eliciting, publishing or communicating); and
 - (r) section 61 (inciting terrorism overseas);
48. An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
 - (a) section 47 (use etc. of nuclear weapons);
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas);
 - (c) section 52 (powers of entry);
 - (d) section 54 (offences);
 - (e) section 67 (offences);
 - (f) section 79 (prohibition of disclosures relating to nuclear security);
 - (g) section 80 (prohibition of disclosures of uranium enrichment technology);
 - (h) section 113 (use of noxious substances or things to cause harm and intimidate);
 - (i) section 114 (hoaxes involving noxious substances or things); and
 - (j) paragraph 7 of Schedule 3 (offences).
49. An offence under the Terrorism Act 2006.

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50. An offence under any of the following provisions of the Counter-Terrorism Act 2008—
- (a) section 2 (offence of obstruction);
 - (b) section 54 (offences relating to notification);
 - (c) paragraph 15 of Schedule 5 (breach of foreign travel restriction order and offence);
 - (d) paragraph 30 of Schedule 7 (offences: failure to comply with requirement imposed by direction);
 - (e) paragraph 30A of Schedule 7 (offences: relevant person circumventing requirements); and
 - (f) paragraph 31 of Schedule 7 (offences in connection with licences).

Violent offender orders

51. An offence under section 113(1) of the Criminal Justice and Immigration Act 2008 (breach of violent offender order or interim violent offender order).

Vulnerable persons

52. An offence under section 83 of the Adults with Incapacity (Scotland) Act 2000 (offence of ill-treatment and wilful neglect).
53. An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (ill-treatment and wilful neglect of mentally disordered person).
54. An offence under any of the following provisions of the Protection of Vulnerable Groups (Scotland) Act 2007—
- (a) section 34 (barred individuals not to do regulated work);
 - (b) section 35 (organisations not to use barred individuals for regulated work); and
 - (c) section 36 (personnel suppliers not to supply barred individuals for regulated work).
55. Any offence where the conduct in respect of which the person was convicted also constituted a breach of a banning order granted under section 19 of the Adult Support and Protection (Scotland) Act 2007 (banning orders).

Witness protection

56. An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—
- (a) section 86 (offence of disclosing information about protection arrangements); and
 - (b) section 88 (offences of disclosing information relating to persons assuming new identity).

Statutory aggravations

57. An offence in relation to which either of the following provisions apply—
- (a) section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime); or

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- (b) section 31 of the Counter-Terrorism Act 2008 (offences aggravated by terrorism).

Other

Common law aggravations

58. An offence, the conviction for which indicates that it was committed against a child.
59. An offence, the conviction for which indicates that it included a sexual element.

Inchoate offences

60. An offence committed by aiding, abetting, counselling, procuring or inciting the commission of the offence of murder or any offence listed in paragraphs 1 to 59 of this schedule.
61. An offence committed by attempting or conspiring to commit the offence of murder or any offence listed in paragraphs 1 to 59 of this schedule.

Superseded offences

62. An offence superseded (whether directly or indirectly) by any offence listed in paragraphs 1 to 61 of this schedule (and any qualification in relation to a listed offence applies to the superseded offence as it applies to the listed offence).

Combined offences

63. An offence which was charged, and the conviction for which was received, in conjunction with any offence listed in paragraphs 1 to 62 of this schedule.

Corresponding offences elsewhere in the UK or abroad

64. An offence under the law of England and Wales or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in paragraphs 1 to 63 of this schedule.

[^{F48}SCHEDULE 8A

REVIEW OF CRIMINAL RECORD CERTIFICATES

Textual Amendments

F48 Sch. 8A inserted (N.I.) (1.3.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 4](#); [S.R. 2015/418](#), art. 3(b)

Interpretation

1 In this Schedule—

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“conviction” and “spent conviction” have the same meanings as in the Rehabilitation of Offenders (Northern Ireland) Order 1978;

“the independent reviewer” means the person appointed under paragraph 2;

“other disposal”, in relation to a criminal record certificate or enhanced criminal record certificate issued to any person, means any caution, diversionary youth conference or informed warning relating to that person of which details are given in the certificate.

The independent reviewer

- 2
- (1) There is to be an independent reviewer for the purposes of this Schedule.
 - (2) The independent reviewer is a person appointed by the Department—
 - (a) for such period, not exceeding 3 years, as the Department decides; and
 - (b) on such terms as the Department decides.
 - (3) A person may be appointed for a further period or periods.
 - (4) The Department may terminate the appointment of the independent reviewer before the end of the period mentioned in sub-paragraph (2)(a) by giving the independent reviewer notice of the determination not less than 3 months before it is to take effect.
 - (5) The Department may—
 - (a) pay such remuneration or allowances to the independent reviewer as it may determine;
 - (b) make arrangements for the provision of administrative or other assistance to the independent reviewer.
 - (6) The independent reviewer must, in relation to each financial year and no later than 3 months after the end of that year, make a report to the Department about the exercise of his or her functions under this Schedule in that year.
 - (7) The independent reviewer may make recommendations to the Department as to—
 - (a) any guidance issued by the Department under paragraph 3 or which the independent reviewer thinks it would be appropriate for the Department to issue under that paragraph;
 - (b) any changes to any statutory provision which the independent reviewer thinks may be appropriate.
 - (8) A person may at the same time hold office as the independent reviewer and as the independent monitor under section 119B.

Guidance

- 3
- The Department may from time to time publish guidance to the independent reviewer as to the exercise of functions under this Schedule; and in exercising functions under this Schedule the independent reviewer must have regard to any guidance for the time being published under this paragraph.

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Application for review after issue of certificate

- 4 (1) A person who receives a criminal record certificate or an enhanced criminal record certificate may apply in writing to the Department for a review of the inclusion in that certificate of—
- (a) the details of any spent conviction; or
 - (b) the details of any other disposal.
- (2) An application under this paragraph must—
- (a) be accompanied by such fee (if any) as may be prescribed; and
 - (b) be made within such period after the issue of the certificate as the Department may specify in a notice accompanying the certificate.
- (3) The Department must refer any application under this paragraph to the independent reviewer together with—
- (a) any information supplied by the applicant in connection with the application; and
 - (b) any other information which appears to the Department to be relevant to the application.

Review by independent reviewer after issue of certificate

- 5 (1) The independent reviewer, on receiving an application under paragraph 4 in relation to a certificate, must review the inclusion in that certificate of—
- (a) the details of any spent conviction; and
 - (b) the details of any other disposal.
- (2) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) on being so informed the Department must issue a new certificate.
- (3) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).
- (4) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—
- (a) the independent reviewer must inform the Department of that fact; and
 - (b) the Department must inform the applicant that the application is refused.
- (5) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

Automatic review before issue of certificate containing only details of spent convictions or other disposals of person under 18

- 6 (1) This paragraph applies where—

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- (a) the Department proposes to issue (otherwise than under sub-paragraph (4)(b) or (6)(b)) a criminal record certificate or an enhanced criminal record certificate relating to any person; and
 - (b) the certificate would—
 - (i) contain details of any spent conviction or other disposal which occurred at a time when the person was under the age of 18; but
 - (ii) not contain details of any conviction (whether spent or not) or other disposal occurring after that time.
- (2) The Department must, before issuing the certificate, refer the certificate for review to the independent reviewer together with any information which appears to the Department to be relevant to that review.
 - (3) The independent reviewer, on receiving a referral under sub-paragraph (2) in relation to a certificate, must review the inclusion in that certificate of—
 - (a) the details of any spent conviction; and
 - (b) the details of any other disposal.
 - (4) If, following that review, the independent reviewer determines that the details of any spent conviction or other disposal included in the certificate should be removed—
 - (a) the independent reviewer must inform the Department of that fact; and
 - (b) on being so informed the Department must amend the certificate and issue the amended certificate.
 - (5) In issuing such a certificate the Department must give effect to the determination of the independent reviewer and must (in the case of an enhanced certificate) again comply with section 113B(4).
 - (6) If, following that review, the independent reviewer determines that the details of any spent convictions or other disposals included in the certificate should not be removed—
 - (a) the independent reviewer must inform the Department of that fact; and
 - (b) the Department must issue the certificate in the form referred to the independent reviewer.
 - (7) The independent reviewer must not determine that details of a spent conviction or other disposal should be removed from a certificate unless the independent reviewer is satisfied that the removal of those details would not undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.
 - (8) The fact that a review has been carried out under this paragraph before a certificate is issued does not prevent the operation of paragraphs 4 and 5 in relation to the certificate once issued.

Disclosure of information to the independent reviewer

- 7 The Chief Constable, the Department and the Probation Board for Northern Ireland must provide to the independent reviewer such information as the independent reviewer reasonably requires in connection with the exercise of his or her functions under this Schedule.]

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SCHEDULE 8B

OFFENCES WHICH ARE TO BE DISCLOSED SUBJECT TO RULES

Common law offences

1. An offence of perverting, or attempting to pervert, the course of justice (by whatever means and however the offence is described), including in particular—
 - (a) false accusation of a crime;
 - (b) perjury;
 - (c) prevarication on oath;
 - (d) prison breaking; and
 - (e) subornation of perjury.
2. Assault excluding any assault of a kind listed in Schedule 8A.
3. Breach of the peace.
4. Clandestinely taking possession.
5. Culpable and reckless conduct.
6. Culpable and reckless endangering of the public.
7. Culpable and reckless fireraising.
8. Embezzlement.
9. False accusation of a crime.
10. Fraud.
11. Housebreaking with intent to steal.
12. Mobbing and rioting.
13. Opening a lockfast place with intent to steal.
14. Public indecency.
15. Resent (excluding resent of plagium).
16. Robbery.
17. Theft (excluding plagium).
18. Uttering.
19. Wilful fireraising.

Statutory offences

Adult support and protection

20. An offence under section 49 of the Adult Support and Protection (Scotland) Act 2007 (obstruction).

Status: Point in time view as at 25/08/2016.

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Animals

21. An offence under the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974.
22. An offence under any of the following provisions of the Wildlife and Countryside Act 1981—
 - (a) section 1 (protection of wild birds, their nests and eggs and prevention of poaching);
 - (b) section 5 (prohibition of certain methods of killing or taking wild birds);
 - (c) section 9 (protection of other wild animals and prevention of poaching);
 - (d) section 11 (prohibition of certain methods of killing or taking wild animals);
 - (e) section 11A, 11B and 11C (offences in relation to snares);
 - (f) section 14ZC (prohibition on keeping etc. of invasive animals or plants);
 - (g) section 15A (possession of pesticides); and
 - (h) section 18 (attempts to commit offences etc.), but only in relation to an offence listed in sub-paragraphs (a) to (g) of this paragraph.
23. An offence under the Dangerous Dogs Act 1991.
24. An offence under the Protection of Badgers Act 1992.
25. An offence under any of the following provisions of the Conservation (Natural Habitats, &c.) Regulations 1994—
 - (a) regulation 39 (protection of certain wild animals); and
 - (b) regulation 41 (prohibition of certain methods of taking or killing wild animals).
26. An offence under the Welfare of Animals (Slaughter or Killing) Regulations 1995.
27. An offence under the Wild Mammals Protection Act 1996.
28. An offence under the Protection of Wild Mammals (Scotland) Act 2002.
29. An offence under the Animal Health and Welfare (Scotland) Act 2006.

Armed forces

30. An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) where the corresponding offence under the law of England and Wales is, or corresponds to, an offence listed in this schedule.

Assaulting or hindering public officials

31. An offence under section 89 of the Police Act 1996 (assaults on constables).
32. An offence under section 32 of the Commissioners for Revenue and Customs Act 2005 (assault).
33. An offence under the Emergency Workers (Scotland) Act 2005.
34. An offence under section 85 of the Fire (Scotland) Act 2005 (false alarms).
35. An offence under section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police).

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Aviation

36. An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 20B (detention direction); and
 - (b) section 21FA (air cargo agents: documents).

Bomb hoaxes

37. An offence under section 51 of the Criminal Law Act 1977 (bomb hoaxes).

Bribery

38. An offence under the Bribery Act 2010.

Care services

39. An offence under any of the following provisions of the Regulation of Care (Scotland) Act 2001—
- (a) section 45 (application for registration under Part 3); and
 - (b) section 52 (use of title “social worker” etc.).
40. An offence under any of the following provisions of the Public Services Reform (Scotland) Act 2010—
- (a) section 80(1) (offences in relation to registration under Chapter 3);
 - (b) section 81 (false statements in application under Chapter 3); and
 - (c) section 90 (offences under Chapter 4).
41. An offence under article 27 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (offences).
42. An offence under regulation 19 of the Social Care and Social Work Improvement (Scotland) (Requirements for Care Services) Regulations 2011 (offences).

Charities

43. An offence under the Charities and Trustee Investment (Scotland) Act 2005.

Child Support

44. An offence under section 50 of the Child Support Act 1991 (unauthorised disclosure of information).

Children

45. An offence under section 6 of the Child Abduction Act 1984 (offence in Scotland of parent, etc. taking or sending child out of United Kingdom).

Crossbows

46. An offence under section 1 of the Crossbows Act 1987 (sale and letting on hire).

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Domestic abuse

47. An offence under section 2 of the Domestic Abuse (Scotland) Act 2011 (breach of domestic abuse interdict with power of arrest).

Drugs

48. An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 3 (restriction of importation and exportation of controlled drugs);
 - (b) section 4 (restriction of production and supply of controlled drugs);
 - (c) section 4A (aggravation of offence of supply of controlled drug);
 - (d) section 5(3) (restriction of possession of controlled drugs);
 - (e) section 6 (restriction of cultivation of cannabis plant);
 - (f) section 8(a) and (b) (occupiers etc. of premises to be punishable for certain activities taking place there);
 - (g) section 12 (directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences);
 - (h) section 13 (directions prohibiting prescribing, supply etc. of controlled drugs by practitioners in other cases);
 - (i) section 17 (power to obtain information from doctors, pharmacists etc. in certain circumstances);
 - (j) section 19 (attempts etc. to commit offences), but only in relation to an offence listed in sub-paragraphs (a) to (i) of this paragraph; and
 - (k) section 20 (assisting in or inducing commission outside United Kingdom of offence punishable under corresponding law).
49. An offence under any of the following provisions of the Customs and Excise Management Act 1979 in relation to goods prohibited to be imported or exported under section 3(1) of the Misuse of Drugs Act 1971 (restriction of importation and exportation of controlled drugs)—
- (a) section 50(2) or (3) (penalty for improper importation of goods);
 - (b) section 68(2) (offences in relation to exportation of prohibited or restricted goods); and
 - (c) section 170 (fraudulent evasion of duty).
50. An offence under the Criminal Justice (International Co-operation) Act 1990.

Escape from custody etc.

51. An offence under section 316 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (inducing and assisting absconding etc.).
52. An offence under section 91 of the Police and Fire Reform (Scotland) Act 2012 (escape from custody).

Financial Services

53. An offence under the Financial Services and Markets Act 2000.
54. An offence under the Financial Services Act 2012.

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Fire safety

55. An offence under section 72(1) or (3) of the Fire (Scotland) Act 2005 (offences).

Firearms

56. An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 1 (requirement of firearms certificate);
 - (b) section 2 (requirement of certificate for possession of shot guns);
 - (c) section 3 (business and other transactions with firearms and ammunition firearms);
 - (d) section 22 (acquisition and possession of firearms by minors); and
 - (e) section 23 (exceptions from section 22(4)).
57. An offence under section 50(5) of the Civic Government (Scotland) Act 1982 (drunk in possession of firearm).
58. An offence under the Firearms (Amendment) Act 1997.
59. An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
- (a) section 28 (using someone to mind a weapon);
 - (b) section 32 (sales of air weapons by way of trade or business to be face to face);
 - (c) section 35 (restriction on sale and purchase of primers); and
 - (d) section 36 (manufacture, import and sale of realistic imitation firearms).

Food safety and standards

60. An offence under any of the following provisions of the Food Safety Act 1990—
- (a) section 7 (rendering food injurious to health); and
 - (b) section 9 (inspection and seizure of suspected food).
61. An offence under regulation 4(b) of the General Food Regulations 2004.

Forced marriage

62. An offence under section 9 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (offence of breaching order).

Fraud and forgery

63. An offence under the Forgery and Counterfeiting Act 1981.
64. An offence under section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995 (false monetary instruments).
65. An offence under section 49 of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud).
66. An offence under section 92 of the Police and Fire Reform (Scotland) Act 2012 (impersonation etc.).

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Harassment

67. An offence under section 234A of the Criminal Procedure (Scotland) Act 1995 (non-harassment orders).
68. An offence under section 9 of the Protection from Harassment Act 1997 (breach of non-harassment order).

Immigration, etc.

69. An offence under any of the following provisions of the Immigration Act 1971—
- (a) section 24 (illegal entry and similar offences);
 - (b) section 24A (deception);
 - (c) section 25 (assisting unlawful immigration to member State);
 - (d) section 25A (helping asylum-seeker to enter United Kingdom);
 - (e) section 25B (assisting entry to United Kingdom in breach of deportation or exclusion order);
 - (f) section 26 (general offences in connection with administration of Act);
 - (g) section 26A (registration card);
 - (h) section 26B (possession of immigration stamp); and
 - (i) section 27 (offences by captains, owners or agents of ships or aircraft).
70. An offence under any of the following provisions of the Immigration and Asylum Act 1999—
- (a) section 105 (false representations);
 - (b) section 106 (dishonest representations);
 - (c) any of the following paragraphs of Schedule 11—
 - (i) paragraph 1 (obtaining certificates of authorisation by false pretences);
 - (ii) paragraph 4 (assaulting a detainee custody officer); and
 - (iii) paragraph 5 (obstructing detainee custody officer); and
 - (d) any of the following paragraphs of Schedule 12—
 - (i) paragraph 3 (failure to submit to a medical examination);
 - (ii) paragraph 4 (assisting detained persons to escape);
 - (iii) paragraph 5 (bringing alcohol into a detention centre); and
 - (iv) paragraph 6 (conveying articles into or out of a detention centre).
71. An offence under section 35 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (deportation or removal: cooperation).
72. An offence under section 21 of the Immigration, Asylum and Nationality Act 2006 (offence).

Insolvency

73. An offence under any of the following provisions of the Insolvency Act 1986—
- (a) section 131 (company's statement of affairs);
 - (b) section 206 (fraud, etc. in anticipation of winding up);
 - (c) section 208 (misconduct in course of winding up);
 - (d) section 216 (restriction on re-use of company names); and
 - (e) section 235 (duty to co-operate with office-holder).

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Landmines

74. An offence under section 2 of the Landmines Act 1998 (prohibited conduct).

Medicines

75. An offence under section 67(2) and (3) (offences under Part III) of the Medicines Act 1968.
76. An offence under any of the following provisions of the Human Medicines Regulations 2012—
- (a) regulation 34(1) (offences: breach of regulations and false information and defence concerning starting materials); and
 - (b) regulation 255(1)(a), (b), (c) or (d) (offences relating to dealings with medicinal products).

Mental health

77. An offence under section 318 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (false statements).

Neglect of duty

78. An offence under Part 4 (shipping: alcohol and drugs) or Part 5 (aviation: alcohol and drugs) of the Railways and Transport Safety Act 2003.
79. An offence under section 22 of the Police and Fire Reform (Scotland) Act 2012 (failure to perform duty).

Obscene material etc.

80. An offence under section 1(1) of the Indecent Displays Act 1981 (indecent displays).
81. An offence under any of the following provisions of the Civic Government (Scotland) Act 1982—
- (a) section 51 (obscene material);
 - (b) section 51A (extreme pornography); and
 - (c) paragraph 19(3) of Schedule 2 (enforcement).
82. An offence under section 85(3) of the Postal Services Act 2000 (prohibition on sending certain articles by post).
83. An offence under section 127(1) of the Communications Act 2003 (improper use of public electronic communications network).

Offences in relation to children

84. An offence under any of the following provisions of the Children and Young Persons (Scotland) Act 1937—
- (a) section 15 (causing or allowing persons under 16 to be used for begging);
 - (b) section 22 (exposing children under seven to risk of burning);
 - (c) section 31(1) (penalties and legal proceedings in respect of general provisions as to employment);

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- (d) section 33 (prohibition of persons under sixteen taking part in performances endangering life or limb); and
 - (e) section 34 (restrictions on training for performances of a dangerous nature).
85. An offence under section 40(1) of the Children and Young Persons Act 1963 (offences).
86. An offence under section 50(2) of the Civic Government (Scotland) Act 1982 (drunk in charge of a child).
87. An offence under section 81 of the Children (Scotland) Act 1995 (offences in connection with orders etc. for the protection of children).
88. An offence under any of the following provisions of the Children’s Hearings (Scotland) Act 2011—
- (a) section 59 (offences); and
 - (b) section 171 (offences related to absconding).

Offensive behaviour etc.

89. An offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

Offensive weapons

90. An offence under the Restriction of Offensive Weapons Act 1959.
91. An offence under section 50(3) (penalty for improper importation of goods) or section 170 (fraudulent evasion of duty) of the Customs and Excise Management Act 1979 in relation to goods prohibited to be imported under—
- (a) section 1(2) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons); or
 - (b) section 141(4) of the Criminal Justice Act 1988 (offensive weapons).
92. An offence under any of the following provisions of the Criminal Justice Act 1988—
- (a) section 141 (offensive weapons); and
 - (b) section 141A (sale of knives and certain articles with blade or point to persons under eighteen).
93. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 47 (prohibition of the carrying of offensive weapons);
 - (b) section 48 (search for offensive weapons);
 - (c) section 49 (offence of having in a public place an article with a blade or point);
 - (d) section 49A (offence of having article with blade or point (or offensive weapon) on school premises);
 - (e) section 49C (offence of having offensive weapon etc. in prison); and
 - (f) section 50 (extension of constable’s power to stop, search and arrest without warrant).

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Official Secrets Acts

- 94. An offence under the Official Secrets Act 1920.
- 95. An offence under the Official Secrets Act 1989.

Prisons

- 96. An offence under section 41 of the Prisons (Scotland) Act 1989 (unlawful introduction of tobacco, etc., into prison).

Proceeds of crime and money laundering

- 97. An offence under any of the following provisions of the Proceeds of Crime Act 2002—
 - (a) Part 7 (money laundering);
 - (b) Part 8 (investigations); and
 - (c) section 453A (certain offences in relation to financial investigators).
- 98. An offence under the Proceeds of Crime Act 2002 (External Investigations) Order 2013.
- 99. An offence under the Proceeds of Crime Act 2002 (External Investigations) (Scotland) Order 2015.

Prostitution

- 100. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
 - (a) section 9 (permitting girl to use premises for intercourse); and
 - (b) section 13(9) (living on earnings of another from male prostitution).
- 101. An offence under the Prostitution (Public Places) (Scotland) Act 2007.

Public order

- 102. An offence under any of the following provisions of the Public Order Act 1986—
 - (a) section 1 (riot);
 - (b) section 2 (violent disorder);
 - (c) section 3 (affray);
 - (d) section 4 (fear or provocation of violence);
 - (e) section 4A (intentional harassment, alarm or distress);
 - (f) section 5 (harassment alarm or distress);
 - (g) section 18 (use of words or behaviour or display of written material);
 - (h) section 19 (publishing or distributing written material);
 - (i) section 20 (public performance of play);
 - (j) section 21 (distributing, showing or playing a recording);
 - (k) section 22 (broadcasting or including programme in cable programme service);
 - (l) section 23 (possession of racially inflammatory material);
 - (m) section 29B (use of words or behaviour or display of written material);
 - (n) section 29C (publishing or distributing written material);

Status: Point in time view as at 25/08/2016.

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- (o) section 29D (public performance of play);
- (p) section 29E (distributing, showing or playing recording);
- (q) section 29F (broadcasting or including programme in programme service);
- and
- (r) section 29G (possession of inflammatory material).

Road traffic

103. An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1A (causing serious injury by dangerous driving);
 - (b) section 2 (dangerous driving);
 - (c) section 2B (causing death by careless, or inconsiderate, driving);
 - (d) section 3ZB (causing death by driving: unlicensed or uninsured drivers);
 - (e) section 3ZD (causing serious injury by driving: disqualified drivers);
 - (f) section 4(1) (driving, or being in charge, when under the influence of drink or drugs);
 - (g) section 5(1)(a) (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit); and
 - (h) section 178 (taking motor vehicle without authority, etc.).

Sexual offences

104. An offence under section 37(1) or (4) of the Sexual Offences (Scotland) Act 2009 (older children engaging in sexual conduct with each other).

Solicitors

105. An offence under the Solicitors (Scotland) Act 1980.

Terrorism

106. An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 13 (uniform);
 - (b) section 36 (police powers);
 - (c) section 51 (offences);
 - (d) section 116 (powers to stop and search);
 - (e) paragraph 32 of Schedule 5 (urgent cases); and
 - (f) paragraph 18 of Schedule 7 (offences).

Vets

107. An offence under any of the following provisions of the Veterinary Surgeons Act 1966—
- (a) section 19 (restriction of practice of veterinary surgery by unqualified persons); and
 - (b) section 20 (prohibition of use of practitioners' titles by unqualified persons).

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Miscellaneous statutory offences

108. An offence under any of the following provisions of the Civic Government (Scotland) Act 1982—
 - (a) section 57 (being in or on building etc. with intent to commit theft);
 - (b) section 58 (convicted thief in possession); and
 - (c) section 60 (powers of search and seizure).
109. An offence under section 22 of the Rent (Scotland) Act 1984 (unlawful eviction and harassment of occupier).
110. An offence under section 85(1) of the Postal Services Act 2000 (prohibition on sending certain articles by post).
111. An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—
 - (a) section 67 (offences in connection with disclosure notices or search warrants);
 - (b) section 129 (corresponding Scottish offence);
 - (c) section 145 (interference with contractual relationships so as to harm animal research organisation); and
 - (d) section 146 (intimidation of persons connected with animal research organisation).

Statutory aggravations

112. An offence (other than an offence listed in schedule 8A) in relation to which either of the following provisions applies—
 - (a) section 96 of the Crime and Disorder Act 1998 (offences racially aggravated); or
 - (b) section 74 of the Criminal Justice (Scotland) Act 2003 (offences aggravated by religious prejudice).
113. An offence (other than an offence listed in schedule 8A) to which either of the following provisions of the Offences (Aggravation by Prejudice) (Scotland) Act 2009 applies—
 - (a) section 1(1) (prejudice relating to disability); or
 - (b) section 2(1) (prejudice relating to sexual orientation or transgender identity).

Other

Common law aggravations

114. An offence (other than an offence listed in schedule 8A or in paragraph 112 of this schedule), the conviction for which indicates that it included an element of racial prejudice or was racially motivated.
115. An offence (other than an offence listed in schedule 8A or in paragraph 112 of this schedule), the conviction for which indicates that it included an element of religious prejudice or was motivated by religious prejudice.

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Inchoate offences

- 116. An offence committed by aiding, abetting, counselling, procuring or inciting the commission of any offence listed in paragraphs 1 to 115 of this schedule.
- 117. An offence committed by attempting or conspiring to commit any offence listed in paragraphs 1 to 115 of this schedule.

Superseded offences

- 118. An offence superseded (whether directly or indirectly) by any offence listed in paragraphs 1 to 117 of this schedule (and any qualification in relation to a listed offence applies to the superseded offence as it applies to the listed offence).

Combined offences

- 119. An offence which was charged, and the conviction for which was received, in conjunction with any offence listed in paragraphs 1 to 118 of this schedule.

Corresponding offences elsewhere in the UK or abroad

- 120. An offence under the law of England and Wales or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in paragraphs 1 to 119 of this schedule.]

SCHEDULE 9

Section 134(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The amendments in Sch. 9 have the same extent as the enactments to which they refer

Explosives Act 1875 (c. 17)

^{F49}₁

Textual Amendments

F49 Sch. 9 para. 1 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Civil Defence Act 1948 (c. 5)

^{F50}₂

Status: Point in time view as at 25/08/2016.

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Textual Amendments

F50 Sch. 9 para. 2 repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

Public Records Act 1958 (c. 51)

3 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

Trustee Investments Act 1961 (c. 62)

F514

Textual Amendments

F51 Sch. 9 paras. 4-6 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F515

Textual Amendments

F51 Sch. 9 paras. 4-6 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Offices, Shops and Railway Premises Act 1963 (c. 41)

F516

Textual Amendments

F51 Sch. 9 paras. 4-6 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Parliamentary Commissioner Act 1967 (c. 13)

F527

Textual Amendments

F52 Sch. 9 para. 7 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)

Status: Point in time view as at 25/08/2016.

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Police (Scotland) Act 1967 (c. 77)

- 8 The Police (Scotland) Act 1967 shall be amended as follows.
- 9 In section 27(3) (regulations as to police cadets), after “(1A),” there shall be inserted “(2B),”.
- 10 At the end of section 28 (regulations as to standards of equipment) (which becomes subsection (1)) ^{F53}...

Textual Amendments
F53 Words in Sch. 9 para. 10 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), art. 3(q) (with art. 6)

^{F54}11

Textual Amendments
F54 Sch. 9 para. 11 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)

^{F55}12

Textual Amendments
F55 Sch. 9 para. 12 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), art. 3(q) (with art. 6)

- 13 In section 38 (constables engaged on central service and certain temporary service), in subsection (3A), after “service” there shall be inserted “, or on temporary service such as is mentioned in paragraph (ba) or (bb) of the said section 38A(1),”.

Commencement Information
I3 Sch. 9 para. 13 wholly in force at 31.10.1997; Sch. 9 para. 13 not in force at Royal Assent see s. 135; Sch. 9 para. 13 in force at 31.10.1997 by [S.I. 1997/2390](#), [art. 2](#) (with [arts. 3-7](#)(but the said [arts. 4-7](#) were revoked (1.4.1998) by [S.I. 1998/354](#), [art. 7](#)))

- 14 In section 38A (constables engaged on service outside their force)—
 ^{F56}(a)
- ^{F57}(b)

Textual Amendments
F56 Sch. 9 para. 14(a) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), art. 3(q) (with art. 6)
F57 Sch. 9 para. 14(b) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)

Status: Point in time view as at 25/08/2016.

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Commencement Information

- I4** Sch. 9 para. 14 wholly in force at 31.10.1997; Sch. 9 para. 14 not in force at Royal Assent see s. 135; Sch. 9 para. 14 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with **arts. 3-7**(but the said **arts. 4-7** were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

^{F58}15

Textual Amendments

- F58** Sch. 9 para. 15 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Leasehold Reform Act 1967 (c. 88)

^{F59}16

Textual Amendments

- F59** Sch. 9 para. 16 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Public Expenditure and Receipts Act 1968 (c. 14)

^{F60}17

Textual Amendments

- F60** Sch. 9 para. 17 repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

Firearms Act 1968 (c. 27)

- 18 In section 54 of the Firearms Act 1968 (application of Act to Crown servants), in subsection (3) (which provides that members of police forces and certain employees of police authorities are deemed to be in the service of Her Majesty), at the end of paragraph (b) there shall be inserted “, or
(c) a member of the National Criminal Intelligence Service or the National Crime Squad.”.

Post Office Act 1969 (c. 48)

^{F61}19

Textual Amendments

- F61** Sch. 9 para. 19 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), **Sch. 2**

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

F62 20

Textual Amendments
F62 Sch. 9 para. 20 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Police Act (Northern Ireland) 1970 (c. 9 (N.I.))

F63 21

Textual Amendments
F63 Sch. 9 para. 21 repealed (1.4.1999) by [1998 c. 32](#), ss. 74(2)(3), [Sch. 6](#) (with [Sch. 5 para. 1](#)); S.R. 1999/176, [art. 3](#)

F64 22

Textual Amendments
F64 Sch. 9 para. 22 repealed (1.4.1999) by [1998 c. 32](#), ss. 74(2)(3), [Sch. 6](#) (with [Sch. 5 para. 1](#)); S.R. 1999/176, [art. 3](#)

Local Authorities (Goods and Services) Act 1970 (c. 39)

23 F65

Textual Amendments
F65 Sch. 9 para. 23 repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); S.I. 2002/344, [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

Superannuation Act 1972 (c. 11)

F66 24

Textual Amendments
F66 Sch. 9 para. 24 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (with [art. 6](#))

Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (NI 6)

25 F67

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F67 Sch. 9 para. 25 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Employment Agencies Act 1973 (c. 35)

F68 26

Textual Amendments

F68 Sch. 9 para. 26 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Juries Act 1974 (c. 23)

F69 27

Textual Amendments

F69 Sch. 9 para. 27 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(1)(iv)

District Courts (Scotland) Act 1975 (c. 20)

28 In subsection (2) of section 12 of the District Courts (Scotland) Act 1975 (disqualification in certain cases of justices who are members of local authorities), the following shall be inserted as the first paragraph—
“(aa) any reference to a local authority includes a reference to the Service Authority for the National Criminal Intelligence Service;”.

House of Commons Disqualification Act 1975 (c. 24)

29 **F70**(1)
F71(2)
F72(3)

Textual Amendments

F70 Sch. 9 para. 29(1) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 15 Pt. 1(A); S.I. 2007/709, art. 3(q) (with art. 6)

F71 Sch. 9 para. 29(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F72 Sch. 9 para. 29(3) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 15 Pt. 1(A); S.I. 2007/709, art. 3(q) (with art. 6)

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Commencement Information

- I5** Sch. 9 para. 29 wholly in force at 1.4.1998; Sch. 9 para. 29 not in force at Royal Assent see s. 135; Sch. 9 para. 29(3), in force at 1.9.1997 by [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(x\)](#); otherwise in force at 1.4.1998 by [S.I. 1998/354](#) art. 2

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 30 ^{F73}(1)
- ^{F74}(2)
- ^{F75}(3)

Textual Amendments

- F73** Sch. 9 para. 30(1) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), [art. 3\(q\)](#) (with [art. 6](#))
- F74** Sch. 9 para. 30(2) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), [art. 4\(1\)](#), [Sch. para. 13\(dd\)](#)
- F75** Sch. 9 para. 30(3) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), [art. 3\(q\)](#) (with [art. 6](#))

Sex Discrimination Act 1975 (c. 65)

- ^{F76}31

Textual Amendments

- F76** Sch. 9 para. 31 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), [art. 4\(1\)](#), [Sch. para. 13\(dd\)](#)

Fair Employment (Northern Ireland) Act 1976 (c.25)

- [^{F77}32 In section 53 of the Fair Employment (Northern Ireland) Act 1976 (police), in subsection (6), in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.]

Textual Amendments

- F77** Sch. 9 para. 32 repealed (4.11.2001) by [2000 c. 32](#), s. 78(4), [Sch. 8](#); [S.R. 2001/396](#), [art. 2](#), [Sch.](#)

Police Pensions Act 1976 (c. 35)

- 33 (1) Section 11 of the Police Pensions Act 1976 (interpretation) shall be amended as follows.

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- (2) In subsection (2)—
- (a) the word “and” after paragraph (a) shall be omitted,
 - (b) in paragraph (b) after “it means” there shall be inserted “, subject to paragraphs (c) to (e) below,”, and
 - ^{F78}(c)
- (3) In subsection (5), in the definition of “central service”—
- ^{F79}(a)
 - (b) after “1967” there shall be inserted “or means relevant service within paragraph (ba) or (bb) of section 38A(1) of the said Act of 1967”.

Textual Amendments

- F78** Sch. 9 para. 33(2)(c) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), art. 3(q) (with art. 6)
- F79** Sch. 9 para. 33(3)(a) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709](#), art. 3(q) (with art. 6)

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 34 In each of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of drivers of private hire vehicles and hackney carriages), subsection (1A) shall be omitted.

Race Relations Act 1976 (c. 74)

- ^{F80}35

Textual Amendments

- F80** Sch. 9 para. 35 repealed (2.4.2001) by [2000 c. 34](#), s. 9(2), [Sch. 3](#) (with s. 10(5)); [S.I. 2001/566](#), art. 2(1)

- ^{F81}36

Textual Amendments

- F81** Sch. 9 para. 36 repealed (2.4.2001) by [2000 c. 34](#), s. 9(2), [Sch. 3](#) (with s. 10(5)); [S.I. 2001/566](#), art. 2(1)

Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

- [^{F82}37 In Article 19 of the Sex Discrimination (Northern Ireland) Order 1976 (police), in paragraph (6), in the definition of “chief officer of police”, after sub-paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.]

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Textual Amendments

F82 Sch. 9 para. 37 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

Rent (Agriculture) Act 1976 (c. 80)

38 **F83**

Textual Amendments

F83 Sch. 9 para. 38 repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Rent Act 1977 (c. 42)

39 **F84**

Textual Amendments

F84 Sch. 9 para. 39 repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Justices of the Peace Act 1979 (c. 55)

40 In section 64 of the Justices of the Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

41 In Part I of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after paragraph (n) there shall be inserted—

“(na) members of the National Criminal Intelligence Service;
 (nb) members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under section 13 of the Police Act 1997;”.

Commencement Information

I6 Sch. 9 para. 41 wholly in force at 1.4.1998; Sch. 9 para. 41 in force for certain purposes at 23.7.1997 by S.I. 1997/1377 art. 4; Sch. 9 para. 41 otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

Finance Act 1981 (c. 35)

42 **F85**

Status: Point in time view as at 25/08/2016.

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Textual Amendments

F85 Sch. 9 para. 42 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Acquisition of Land Act 1981 (c. 67)

43 **F86**

Textual Amendments

F86 Sch. 9 para. 43 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Stock Transfer Act 1982 (c. 41)

F87 44

Textual Amendments

F87 Sch. 9 para. 44 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(dd)

County Courts Act 1984 (c. 28)

45 **F88**

Textual Amendments

F88 Sch. 9 para. 45 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

Police and Criminal Evidence Act 1984 (c. 60)

F89 46

Textual Amendments

F89 Sch. 9 paras. 46-48 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(dd)

F89 47

Textual Amendments

F89 Sch. 9 paras. 46-48 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. para. 13(dd)

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Prosecution of Offences Act 1985 (c. 23)

F89 48

Textual Amendments

F89 Sch. 9 paras. 46-48 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Housing Act 1985 (c. 68)

49 F90

Textual Amendments

F90 Sch. 9 para. 49 repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); S.I. 2002/344, [art. 3\(J\)\(m\)](#) (with transitional provisions in [art. 4](#))

Housing Associations Act 1985 (c. 69)

50 In section 106 of the Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”, after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service ”.

Commencement Information

I7 Sch. 9 para. 50 wholly in force at 31.10.1997; Sch. 9 para. 50 not in force at Royal Assent see s. 135; Sch. 9 para. 50 in force at 31.10.1997 by S.I. 1997/2390, [art. 2](#) (with [arts. 3-7](#)(but the said [arts. 4-7](#) were revoked (1.4.1998) by S.I. 1998/354, [art. 7](#)))

Landlord and Tenant Act 1985 (c. 70)

51 F91

Textual Amendments

F91 Sch. 9 para. 51 repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); S.I. 2002/344, [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

Landlord And Tenant Act 1987 (c. 31)

52 F92

Textual Amendments

F92 Sch. 9 para. 52 repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); S.I. 2002/344, [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Income and Corporation Taxes Act 1988 (c.1)

53 F93

Textual Amendments

F93 Sch. 9 para. 53 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Dartford-Thurrock Crossing Act 1988 (c. 20)

F94 54

Textual Amendments

F94 Sch. 9 para. 54 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Local Government Finance Act 1988 (c. 41)

55 F95

Textual Amendments

F95 Sch. 9 para. 55 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

56 In section 65A (which was inserted by section 3 of the ^{M2}Local Government and Rating Act 1997 and makes provision about Crown property), in subsection (4)(b) for the words from “or by a police authority” to the end there shall be substituted “, a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”.

Marginal Citations

M2 1997 c. 29.

Housing Act 1988 (c. 50)

57 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.), in sub-paragraph (2) (g), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- 18** Sch. 9 para. 57 wholly in force at 31.10.1997; Sch. 9 para. 57 not in force at Royal Assent see s. 135; Sch. 9 para. 57 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

Road Traffic Act 1988 (c. 52)

F9658

Textual Amendments

- F96** Sch. 9 paras. 58-62 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F9659

Textual Amendments

- F96** Sch. 9 paras. 58-62 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Security Service Act 1989 (c. 5)

F9660

Textual Amendments

- F96** Sch. 9 paras. 58-62 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F9661

Textual Amendments

- F96** Sch. 9 paras. 58-62 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Official Secrets Act 1989 (c. 6)

F9662

Textual Amendments

- F96** Sch. 9 paras. 58-62 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Status: Point in time view as at 25/08/2016.

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Town and Country Planning Act 1990 (c. 8)

63 F97

Textual Amendments

F97 Sch. 9 para. 63 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Aviation and Maritime Security Act 1990 (c. 31)

64 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)—

- (a) the words “who is a member of a body of constables maintained” shall be omitted,
- (b) at the beginning of both sub-paragraph (i) and sub-paragraph (ii) there shall be inserted “ who is a member of a body of constables maintained ”, and
- (c) at the end of sub-paragraph (ii) there shall be inserted “, or
(iii) who is a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act.”.

Road Traffic Act 1991 (c. 40)

65 Section 47 of the Road Traffic Act 1991 (applications for licences to drive hackney carriages etc.) shall cease to have effect.

Commencement Information

I9 Sch. 9 para. 65 partly in force; Sch. 9 para. 65 not in force at Royal Assent, see s. 135(1); Sch. 9 para. 65 in force for E.W. at 1.3.2002 by S.I. 2002/413, art. 2

Local Government Finance Act 1992 (c. 14)

66 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3), for “and” at the end of paragraph (c) there shall be substituted—

- “(ca) the Service Authority for the National Criminal Intelligence Service;
- (cb) the Service Authority for the National Crime Squad;”.

Commencement Information

I10 Sch. 9 para. 66 wholly in force at 31.10.1997; Sch. 9 para. 66 not in force at Royal Assent see s. 135; Sch. 9 para. 66 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

67 F98

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F98 Sch. 9 para. 67 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

68 ^{F99}

Textual Amendments

F99 Sch. 9 para. 68 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

Tribunals and Inquiries Act 1992 (c.53)

^{F100}69

Textual Amendments

F100 Sch. 9 para. 69 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

^{F101}70

Textual Amendments

F101 Sch. 9 para. 70 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Criminal Appeals Act 1995 (c. 35)

71 (1) Section 22 of the Criminal Appeals Act 1995 (meaning of “public body” etc.) shall be amended as follows.

(2) In subsection (2)—

^{F102}(a)

(b) for paragraph (b) (meaning of “chief officer of police”) there shall be substituted—

“(b) references to the chief officer of police—

- (i) in relation to the [^{F103}Police Service of Northern Ireland] and the [^{F103}Police Service of Northern Ireland Reserve], are to the Chief Constable of the Constabulary,
- (ii) in relation to the National Crime Squad, are to the Director General of the Squad, and
- (iii) in relation to any other police force maintained otherwise than by a police authority, are to the chief constable,”

^{F102}(c)

Status: Point in time view as at 25/08/2016.

Changes to legislation: *Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F102(d)

F104(3)

Textual Amendments

- F102** Sch. 9 para. 71(2)(a)(c)(d) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)
- F103** Words in Sch. 9 para. 71(2)(b) substituted (4.11.2001) by [2000 c. 32](#), s. 78(1), [Sch. 6 para. 20\(2\)\(a\)\(b\)](#); [S.R. 2001/396](#), art. 2, [Sch.](#)
- F104** Sch. 9 para. 71(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)

Police Act 1996 (c. 16)

72 The Police Act 1996 shall be amended as follows.

Commencement Information

- I11** Sch. 9 para. 72 wholly in force at 31.10.1997; Sch. 9 para. 72 not in force at Royal Assent see s. 135; Sch. 9 para 72 in force at 31.10.1997 by [S.I. 1997/2390](#), [art. 2](#) (with [arts. 3-7](#)(but the said [arts. 4-7](#) were revoked (1.4.1998) by [S.I. 1998/354](#), [art. 7](#)))

F10573

Textual Amendments

- F105** Sch. 9 para. 73 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)

F10674

Textual Amendments

- F106** Sch. 9 para. 74 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), Sch. para. 13(dd)

75 At the end of section 53 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—

“(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(3) In subsection (2) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.

F10776

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F107 Sch. 9 para. 76 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F10877

Textual Amendments

F108 Sch. 9 para. 77 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

78 (1) Section 57 (common services) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

“(3A) Regulations under this section relating to all police forces may also require the National Crime Squad to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the Squad for the Squad to do so.”.

(3) In subsection (4), at the end of paragraph (b) there shall be added “, and

(c) if the regulations relate to the National Crime Squad, the Service Authority for the National Crime Squad and the Director General of that Squad.”.

(4) After subsection (4) there shall be added—

“(5) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.

F10979

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F10980

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F10981

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Commencement Information

I12 Sch. 9 para. 81 wholly in force at 31.10.1997; Sch. 9 para. 81 not in force at Royal Assent see s. 135; Sch. 9 para. 81 in force at 31.10.1997 by S.I. 1997/2390, [art. 2](#) (with [arts. 3-7](#)(but the said [arts. 4-7](#) were revoked (1.4.1998) by S.I. 1998/354, [art. 7](#)))

F10982

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F10983

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

F10984

Textual Amendments

F109 Sch. 9 paras. 79-84 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

85 In section 88 (liability for wrongful acts of constables), in subsection (5)(b), after “or 98” there shall be inserted “ of this Act or section 23 of the Police Act 1997 ”.

86 (1) Section 97 (police officers engaged on service outside their force) shall be amended as follows.

(2) In subsection (1), after paragraph (c) there shall be inserted—

“(ca) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;

(cb) temporary service with the National Crime Squad on which a person is engaged with the consent of the appropriate authority;

(cc) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”.

F110(3)

F110(4)

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F110 Sch. 9 para. 86(3)(4) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Commencement Information

I13 Sch. 9 para. 86 wholly in force at 31.10.1997; Sch. 9 para. 86 not in force at Royal Assent see s. 135; Sch. 9 para. 86 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with [arts. 3-7](#)(but the said [arts. 4-7](#) were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

F111⁸⁷

Textual Amendments

F111 Sch. 9 para. 87 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Employment Rights Act 1996 (c. 18)

F112⁸⁸

Textual Amendments

F112 Sch. 9 para. 88 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(dd)

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

89 In section 3 of the Housing Grants, Construction and Regeneration Act 1996 (persons ineligible for grant under Chapter I of Part I of that Act), in subsection (2), for paragraph (g) there shall be substituted—

“(g) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

F113⁹⁰

Textual Amendments

F113 Sch. 9 para. 90 repealed (19.7.2003) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), art. 1(3), **Sch. 6**

Juries (Northern Ireland) Order 1996 (NI 6)

91 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service), after the entry for members and staff of the [^{F114}Northern Ireland Policing Board] there shall be inserted—

Status: Point in time view as at 25/08/2016.

Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“Members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.”.

Textual Amendments

F114 Words in Sch. 9 para. 91 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**

Commencement Information

I14 Sch. 9 para. 91 wholly in force at 31.10.1997; Sch. 9 para. 91 not in force at Royal Assent see s. 135; Sch. 9 para. 91 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

Justices of the Peace Act 1997 (c.25)

F11592

Textual Amendments

F115 Sch. 9 para. 92 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)

SCHEDULE 10

Section 134(2).

REPEALS

Extent Information

E2 The repeals in Sch. 10 have the same extent as the enactments to which they refer.

Commencement Information

I15 Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 135(1); Sch. 10 in force for certain purposes at: 1.4.1998 by S.I. 1998/354, art. 2(2)(ay)(bc); 1.3.2002 for E.W. by S.I. 2002/413, art. 2

Chapter	Short title	Extent of repeal
1967 c. 77.	Police (Scotland) Act 1967.	In section 39(4), the word “or” in the third place where it occurs.
1967 c. 88.	Leasehold Reform Act 1967.	In section 28(5)(a), the word “and” in the second place where it occurs.
1972 c. 70.	Local Government Act 1972.	In section 146A(1A), the word “not”. In section 223(2), the word “and”.

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1976 c. 35.	Police Pensions Act 1976.	After section 11(2)(a), the word “and”.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 51(1A) and 59(1A).
1986 c. 60.	Financial Services Act 1986.	Section 189. Schedule 14.
1987 c. 22.	Banking Act 1987.	Section 95.
1989 c. 5.	Security Service Act 1989.	Section 2(3B).
1990 c. 31.	Aviation and Maritime Security Act 1990.	In section 22(4)(b), the words “who is a member of a body of constables maintained”.
1991 c. 40.	Road Traffic Act 1991.	Section 47.
1993 c. 21.	Osteopaths Act 1993.	Section 39.
1993 c. 39.	National Lottery etc. Act 1993.	Section 19.
1994 c. 17.	Chiropractors Act 1994.	Section 40.
1995 c. 25.	Environment Act 1995.	In Schedule 22, paragraph 17(a).
1996 c. 16.	Police Act 1996.	In section 62(1), at the end of paragraph (b) the word “or”. In section 98(4), the word “or” in the sixth place it occurs.
1996 c. 35.	Security Service Act 1996.	Section 1(3).

Status:

Point in time view as at 25/08/2016.

Changes to legislation:

Police Act 1997 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.