

*Status: Point in time view as at 01/01/2006.*

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## SCHEDULES

### SCHEDULE 1

Sections 50, 51 & 55

#### POWERS OF SEIZURE

##### PART 1

##### POWERS TO WHICH SECTION 50 APPLIES

*Police and Criminal Evidence Act 1984 (c. 60)*

- 1 Each of the powers of seizure conferred by the provisions of Part 2 or 3 of the 1984 Act (police powers of entry, search and seizure).

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12))*

- 2 Each of the powers of seizure conferred by the provisions of Parts 3 and 4 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (police powers of entry, search and seizure).

*Official Secrets Act 1911 (c. 28)*

- 3 The power of seizure conferred by section 9(1) of the Official Secrets Act 1911 (seizure of evidence that an offence under that Act has been or is about to be committed).

*Children and Young Persons (Harmful Publications) Act 1955 (c. 28)*

- 4 The power of seizure conferred by section 3(1) of the Children and Young Persons (Harmful Publications) Act 1955 (seizure of copies of work to which that Act applies etc.).

*Obscene Publications Act 1959 (c. 66)*

- 5 Each of the powers of seizure conferred by section 3(1) and (2) of the Obscene Publications Act 1959 (power to search for and seize obscene materials and documents relating to a connected business).

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

- 6 The power of seizure conferred by section 51(1) of the Betting, Gaming and Lotteries Act 1963 (seizure of evidence of offences under that Act).

*Licensing Act 1964 (c. 26)*

- 7 F1 .....

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#### Textual Amendments

- F1** Sch. 1 para. 7 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3), 15(2), 195); [S.I. 2005/3056](#), [art. 2\(2\)](#)

#### *Firearms Act 1968 (c. 27)*

- 8 The power of seizure conferred by section 46 of the Firearms Act 1968 (seizure of firearms etc.).

#### *Trade Descriptions Act 1968 (c. 29)*

- 9 Each of the powers of seizure conferred by section 28(1)(c) and (d) of the Trade Descriptions Act 1968 (seizure of evidence of offences under that Act etc.).

#### *Theft Act 1968 (c. 60)*

- 10 The power of seizure conferred by section 26(3) of the Theft Act 1968 (seizure of goods suspected of being stolen).

#### *Gaming Act 1968 (c. 65)*

- 11 The power of seizure conferred by section 43(5) of the Gaming Act 1968 (seizure of evidence of offences under that Act).

#### *Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))*

- 12 The power of seizure conferred by section 25(3) of the Theft Act (Northern Ireland) 1969 (seizure of goods suspected of being stolen).

#### *Taxes Management Act 1970 (c. 9)*

- 13 The power of seizure conferred by section 20C of the Taxes Management Act 1970 (seizure of evidence of offences involving serious fraud).

#### *Misuse of Drugs Act 1971 (c. 38)*

- 14 Each of the powers of seizure conferred by the provisions of section 23(2) and (3) of the Misuse of Drugs Act 1971 (power to search for and seize controlled drugs and related documents).

#### *Immigration Act 1971 (c. 77)*

- 15 Each of the powers of seizure conferred by the provisions of sections 28D(3), 28E(5) and 28F(6) of the Immigration Act 1971 (seizure of evidence of offences under that Act).

#### *Fair Trading Act 1973 (c. 41)*

- 16 Each of the powers of seizure conferred by the provisions of section 29(1)(c) and (d) of the Fair Trading Act 1973 (seizure of evidence of offences under section 23 of that Act etc.).

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*Biological Weapons Act 1974 (c. 6)*

- 17 Each of the powers of seizure conferred by the provisions of section 4(1)(b), (c) and (d) of the Biological Weapons Act 1974 (seizures under a warrant).

*Prices Act 1974 (c. 24)*

- 18 Each of the powers of seizure conferred by the provisions of paragraph 9(2) to the Schedule to the Prices Act 1974 (seizure of evidence of offences in connection with price regulation, price marking and price range notices).

VALID FROM 06/04/2008

[<sup>F2</sup>18A The power of seizure conferred by section 36D(3) of the Consumer Credit Act 1974.]

**Textual Amendments**

- F2** Sch. 1 para. 18A inserted (6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), **ss. 51(7), 71**; [S.I. 2007/3300](#), **art. 3(2)**, [Sch. 2](#)

*Consumer Credit Act 1974 (c. 39)*

- 19 Each of the powers of seizure conferred by the provisions of section 162(1)(c) and (d) of the Consumer Credit Act 1974 (seizure of evidence of offences under that Act etc.).

*Lotteries and Amusements Act 1976 (c. 32)*

- 20 The power of seizure conferred by section 19 of the Lotteries and Amusements Act 1976 (seizure of evidence of offences under that Act).

*Protection of Children Act 1978 (c. 37)*

- 21 The power of seizure conferred by section 4(2) of the Protection of Children Act 1978 (seizure of indecent photographs or pseudo-photographs of children).

*Protection of Children (Northern Ireland) Order 1978 (S.I. 1978 1047 (N.I. 17))*

- 22 The power of seizure conferred by Article 4(1) of the Protection of Children (Northern Ireland) Order 1978 (seizure of indecent photographs or pseudo-photographs of children).

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

- 23 The power of seizure conferred by section 118C(4) of the Customs and Excise Management Act 1979 (seizure of evidence of fraud offences).

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*Estate Agents Act 1979 (c. 38)*

- 24 The power of seizure conferred by section 11(1)(c) of the Estate Agents Act 1979 (seizure of evidence of offences under that Act).

*Indecent Displays (Control) Act 1981 (c. 42)*

- 25 The power of seizure conferred by section 2(3) of the Indecent Displays (Control) Act 1981 (seizure of indecent matter believed to have been used in the commission of an offence under that Act).

*Forgery and Counterfeiting Act 1981 (c. 45)*

- 26 Each of the powers of seizure conferred by the provisions of sections 7(1) and 24(1) of the Forgery and Counterfeiting Act 1981 (seizure of forgeries and counterfeits and of things used for making them etc.).

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

- 27 The power of seizure conferred by paragraph 16(2) of Schedule 1 to the Betting and Gaming Duties Act 1981 (seizure of evidence of offences in connection with general gaming duty).
- 28 The power of seizure conferred by paragraph 17(2) of Schedule 3 to that Act (seizure of evidence of offences in connection with bingo duty etc.).
- 29 The power of seizure conferred by paragraph 17(2) of Schedule 4 to that Act (seizure of evidence of offences in connection with the provision of amusement machines).

*Firearms (Northern Ireland) Order 2004 (S.I. 2004) (N.I. )*

- [<sup>F3</sup>30 The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.).]

**Textual Amendments**

**F3** Sch. 1 para. 30 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 25(a)** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

*Weights and Measures (Northern Ireland) Order 1981 (S.I. 1981 231 (N.I. 10))*

- 31 The power of seizure conferred by paragraph 4 of Schedule 9 to the Weights and Measures (Northern Ireland) Order 1981.
- <sup>F4</sup>32 .....

**Textual Amendments**

**F4** Sch. 1 paras. 32, 40, 43 repealed (1.12.2001) by [S.I. 2001/3649](#), **arts. 1, 364(e)**

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*Dogs (Northern Ireland) Order 1983 (S.I. 1983 764 (N.I. 8))*

- 33 The power of seizure conferred by Article 25C(2) of the Dogs (Northern Ireland) Order 1983 (seizure of evidence of offences).

*Video Recordings Act 1984 (c. 39)*

- 34 The power of seizure conferred by section 17(2) of the Video Recordings Act 1984 (seizure of evidence of offences under that Act).

*Companies Act 1985 (c. 6)*

- 35 The power of seizure conferred by section 448(3) of the Companies Act 1985 (seizure of documents which have not been produced in compliance with a requirement etc.).

*Weights and Measures Act 1985 (c. 72)*

- 36 The power of seizure conferred by section 79(2)(b) of the Weights and Measures Act 1985 (seizure of evidence of offences under that Act, except Part 5).

- 37 The power of seizure conferred by paragraph 4 of Schedule 8 to that Act (seizure of evidence of offences under Part 5 of that Act).

*Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985 1204 (N.I. 11))*

- 38 The power of seizure conferred by Article 180(4) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (seizure of evidence of offences under that Order).

*Protection of Military Remains Act 1986 (c. 35)*

- 39 The power of seizure conferred by section 6(3) of the Protection of Military Remains Act 1986 (seizure of evidence of offences under that Act etc.)

F<sup>5</sup>40 .....

**Textual Amendments**

**F5** Sch. 1 paras. 32, 40, 43 repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 364\(e\)](#)

*Greater London Council (General Powers) Act 1986 (c. iv)*

- 41 Any power of seizure conferred by virtue of section 12 of the Greater London Council (General Powers) Act 1986 (seizure of items which may be subject to forfeiture).

*Companies (Northern Ireland) Order 1986 (S.I. 1986 1032 (N.I. 6))*

- 42 The power of seizure conferred by Article 441(3) of the Companies (Northern Ireland) Order 1986 (seizure of evidence of offences etc.).

F<sup>6</sup>43 .....

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**Textual Amendments**

**F6** Sch. 1 paras. 32, 40, 43 repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 364(e)

*Criminal Justice Act 1987 (c. 38)*

44 The power of seizure conferred by section 2(5) of the Criminal Justice Act 1987 (seizure of documents for the purposes of an investigation under section 1 of that Act).

*Consumer Protection Act 1987 (c. 43)*

45 Each of the powers of seizure conferred by the provisions of section 29(4), (5) and (6) of the Consumer Protection Act 1987 (seizure for the purposes of ascertaining whether safety provisions have been contravened etc.).

*Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987 2049 (N.I. 20))*

46 Each of the powers of seizure conferred by the provisions of Article 22(3) and (4) of the Consumer Protection (Northern Ireland) Order 1987 (seizure for purposes of ascertaining whether safety provisions have been contravened).

*Criminal Justice Act 1988 (c. 33)*

47 <sup>F7</sup> .....

**Textual Amendments**

**F7** Sch. 1 para. 47 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 457, 458(1)(3), [Sch. 12](#); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-13](#) (as amended by [S.I. 2003/531](#), [arts. 3](#), 4))

*Copyright, Designs and Patents Act 1988 (c. 48)*

[<sup>F8</sup>48 The powers of seizure conferred by sections 109(4), 200(3A) and 297B(4) of the Copyright, Designs and Patents Act 1988 (seizure of evidence relating to offences concerning infringing copies, illicit recordings and unauthorised decoders).]

**Textual Amendments**

**F8** Sch. 1 para. 48 substituted (1.4.2003) by [The Criminal Justice and Police Act 2001 \(Powers of Seizure\) Order 2003 \(S.I. 2003/934\)](#), [art. 2\(2\)](#)

49 <sup>F9</sup> .....

**Textual Amendments**

**F9** Sch. 1 para. 49 repealed (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 26(3) (a), 91(2), 94, [Sch. 6](#); [S.I. 2004/786](#), [art. 3](#)

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*Food Safety Act 1990 (c. 16)*

- 50 The power of seizure conferred by section 32(6) of the Food Safety Act 1990 (seizure of evidence for the purposes of proceedings under that Act).

*Computer Misuse Act 1990 (c. 18)*

- 51 The power of seizure conferred by section 14(4) of the Computer Misuse Act 1990 (seizure of evidence of offences under that Act).

*Human Fertilisation and Embryology Act 1990 (c. 37)*

- 52 The power of seizure conferred by section 40(2) of the Human Fertilisation and Embryology Act 1990 (seizure of evidence of offences under that Act).

*Property Misdescriptions Act 1991 (c. 29)*

- 53 The power of seizure conferred by paragraph 3(3) of the Schedule to the Property Misdescriptions Act 1991 (seizure of evidence of offences under section 1 of that Act).

*Dangerous Dogs Act 1991 (c. 65)*

- 54 The power of seizure conferred by section 5(2) of the Dangerous Dogs Act 1991 (seizure of evidence of offences under that Act).

*Food Safety (Northern Ireland) Order 1991 (S.I. 1991 762 (N.I. 7))*

- 55 The power of seizure conferred by Article 33(7) of the Food Safety (Northern Ireland) Order 1991 (seizure of evidence of offences under that Order).

*Timeshare Act 1992 (c. 35)*

- 56 The power of seizure conferred by paragraph 3(2) of Schedule 2 to the Timeshare Act 1992 (seizure of evidence of offences).

VALID FROM 27/02/2007

*Charities Act 1993 (c. 10)*

- [<sup>F10</sup>56A The power of seizure conferred by section 31A(3) of the Charities Act 1993 (seizure of material for the purposes of an inquiry under section 8 of that Act).]

**Textual Amendments**

- F10** Sch. 1 para. 56A inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), ss. [26\(2\)](#), [79](#); S.I. 2007/309, [art. 2](#), Sch. (subject to [arts. 4-13](#))

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*Finance Act 1994 (c. 9)*

- 57 The power of seizure conferred by paragraph 4(3) of Schedule 7 to the Finance Act 1994 (seizure of evidence of offences relating to insurance premium tax).

VALID FROM 01/12/2007

*Value Added Tax Act 1994 (c. 23)*

- 58 <sup>F11</sup> .....

**Textual Amendments**

- F11** Sch. 1 para. 58 repealed (1.12.2007) by [Finance Act 2007 \(c. 11\)](#), ss. 84, 114, Sch. 22 para. 13(2)(e), [Sch. 27 Pt. 5\(1\)](#); S.I. 2007/3166, [art. 3\(a\)](#)

*Trade Marks Act 1994 (c. 26)*

- [<sup>F12</sup>58A The power of seizure conferred by section 92A(4) of the Trade Marks Act 1994 (seizure of evidence relating to offences concerning unauthorised use of a trade mark, etc. in relation to goods).]

**Textual Amendments**

- F12** Sch. 1 para. 58A inserted (1.4.2003) by [The Criminal Justice and Police Act 2001 \(Powers of Seizure\) Order 2003 \(S.I. 2003/934\)](#), [art. 2\(3\)](#)

*Drug Trafficking Act 1994 (c. 37)*

- 59 The power of seizure conferred by section 56(5) of the Drug Trafficking Act 1994 (seizure of material likely to be of substantial value to an investigation into drug trafficking).

*Chemical Weapons Act 1996 (c. 6)*

- 60 Each of the powers of seizure conferred by the provisions of section 29(2)(c), (d) and (e) of the Chemical Weapons Act 1996 (seizure of evidence of offences under that Act).

*Finance Act 1996 (c. 8)*

- 61 The power of seizure conferred by paragraph 5(2) of Schedule 5 to the Finance Act 1996 (seizure of evidence of offences relating to landfill tax).

*Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996 1299 (N.I. 9))*

- 62 The power of seizure conferred by Article 51(5) of the Proceeds of Crime (Northern Ireland) Order 1996 (seizure of material relevant to investigation).



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*Knives Act 1997 (c. 21)*

- 63 The power of seizure conferred by section 5(2) of the Knives Act 1997 (seizure of publications consisting of or containing prohibited material).

*Nuclear Explosions (Prohibitions and Inspections) Act 1998 (c. 7)*

- 64 Each of the powers of seizure conferred by the provisions of section 10(2)(c), (d) and (e) of the Nuclear Explosions (Prohibitions and Inspections) Act 1998 (seizure of evidence of offences under that Act).

*Data Protection Act 1998 (c. 29)*

- 65 The power of seizure conferred by paragraph 1 of Schedule 9 to the Data Protection Act 1998 (seizure of evidence of contravention of data protection principles etc.).

*Landmines Act 1998 (c. 33)*

- 66 Each of the powers of seizure conferred by the provisions of section 18(3)(c), (d) and (e) of the Landmines Act 1998 (seizure of evidence of offences under that Act).

*Competition Act 1998 (c. 41)*

- 67 Each of the powers of seizure conferred by section 28(2) of the Competition Act 1998 (seizure of documents or information).

*Nuclear Safeguards Act 2000 (c. 5)*

- 68 The power of seizure conferred by section 8(2) of the Nuclear Safeguards Act 2000 (seizure of evidence of offences under that Act etc.).

*Financial Services and Markets Act 2000 (c. 8)*

- 69 The power of seizure conferred by section 176(5) of the Financial Services and Markets Act 2000 (seizure of documents or information not supplied in compliance with a requirement etc.).

*Terrorism Act 2000 (c. 11)*

- 70 The power of seizure conferred by section 82(3) of the Terrorism Act 2000 (power of constable in Northern Ireland to seize items used or intended for use in the commission of certain offences).
- 71 Each of the powers of seizure conferred by the provisions of paragraphs 1, 3, 11, 15 and 19 of Schedule 5 to that Act (powers for use in terrorism investigations).

*Finance Act 2000 (c. 17)*

- 72 The power of seizure conferred by paragraph 130(2) of Schedule 6 to the Finance Act 2000 (seizure of evidence of offences relating to climate change levy).

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*Freedom of Information Act 2000 (c. 36)*

73 The power of seizure conferred by paragraph 1 of Schedule 3 to the Freedom of Information Act 2000.

*International Criminal Court Act 2001 (c. 17)*

[<sup>F13</sup>73A The power of seizure conferred by paragraph 9 of Schedule 5 to the International Criminal Court Act 2001 (seizure of evidence in connection with offences under that Act).]

**Textual Amendments**

**F13** Sch. 1 para. 73A inserted (1.4.2003) after Sch. 1 para. 73 by virtue of [The Criminal Justice and Police Act 2001 \(Powers of Seizure\) Order 2003 \(S.I. 2003/934\)](#), **art. 2(4)**

*Proceeds of Crime Act 2002 (c. 29)*

[<sup>F14</sup>73A The power of seizure conferred by section 352(4) of the Proceeds of Crime Act 2002 (seizure of material likely to be of substantial value to certain investigations).]

**Textual Amendments**

**F14** Sch. 1 para. 73A added (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458, **Sch. 11 para. 40(6)**; S.I. 2003/120, **art. 2, Sch.** (subject to transitional provisions and savings in arts. 3-7 (as amended by S.I. 2003/333, art. 14))

*Enterprise Act 2002*

[<sup>F15</sup>73B The power of seizure conferred by section 194(2) of the Enterprise Act 2002 (seizure of documents for the purposes of an investigation under section 192(1) of that Act).]

**Textual Amendments**

**F15** Sch. 1 para. 73B inserted (20.6.2003) after Sch. 1 para. 73 by virtue of [Enterprise Act 2002 \(c. 40\)](#), **ss. 194(5), 279**; S.I. 2003/1397, **art. 2(1)**, Sch.

VALID FROM 08/01/2007

[<sup>F16</sup>73BA The power of seizure conferred by section 227C of the Enterprise Act 2002 (entry to premises with warrant to seize goods or documents etc).]

**Textual Amendments**

**F16** Sch. 1 para. 73BA inserted (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/3363\)](#), **reg. 28**

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### *Crime (International Co-operation) Act 2003*

[<sup>F17</sup>73C The power of seizure conferred by sections 17 and 22 of the Crime (International Co-operation) Act 2003 (seizure of evidence relevant to overseas investigation or offence).]

#### **Textual Amendments**

**F17** Sch. 1 para. 73C inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 26(3)(b)**, 94; [S.I. 2004/786](#), **art. 3**

### *Extradition Act 2003 (c. 41)*

[<sup>F18</sup>73D The powers of seizure conferred by sections 156(5), 160(5), 161(4), 162(6) and (7) and 164(6) and (7) of the Extradition Act 2003 (seizure in connection with extradition).]

#### **Textual Amendments**

**F18** Sch. 1 para. 73D added (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), **ss. 165(2)**, 221; [S.I. 2003/3103](#), **art. 2** (subject to [arts. 3-5](#) (as amended by [S.I. 2003/3312](#), **art. 2(2)** and [S.I. 2003/3258](#), **art. 2(2)**))

VALID FROM 01/03/2006

### *Human Tissue Act 2004 (c. 30)*

[<sup>F19</sup>73E Each of the powers of seizure conferred by the provisions of paragraph 5(1) (seizure of material relevant to licensing functions) and (2) (seizure of evidence of offences) of Schedule 5 to the Human Tissue Act 2004.]

#### **Textual Amendments**

**F19** Sch. 1 para. 73E inserted (1.3.2006 for certain purposes, 7.4.2006 for certain further purposes and 1.9.2006 otherwise) by [Human Tissue Act 2004 \(c. 30\)](#), **ss. 56, 60**, **Sch. 6 para. 5(4)**; [S.I. 2006/404](#), **arts. 2, 3**, **Sch.** (subject to [art. 4](#) and with [arts. 5, 6](#)); [S.I. 2006/1997](#), **art. 3** (subject to [arts. 4, 7, 8](#)) (as amended (5.8.2006) by [S.I. 2006/2169](#), **art. 2**)

VALID FROM 01/04/2006

### *Serious Organised Crime and Police Act 2005*

[<sup>F20</sup>73F The power of seizure conferred by section 66 of the Serious Organised Crime and Police Act 2005 (seizure of documents for purposes of investigation by DPP or other Investigating Authority).]

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#### Textual Amendments

**F20** Sch. 1 para. 73F inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 68, 178**; S.I. 2005/1521, **art. 5(1)**; S.S.I. 2006/166, **art. 2(1)(a)**

#### *General Product Safety Regulations 2005*

[<sup>F21</sup>73G Each of the powers of seizure conferred by the provisions of regulation 22(4) to (6) of the General Product Safety Regulations 2005 (seizure for the purposes of ascertaining whether safety provisions have been contravened etc).]

#### Textual Amendments

**F21** Sch. 1 para. 73G inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), **reg. 47(4)** (with regs. 42, 43)

VALID FROM 13/04/2006

[<sup>F22</sup>73H The power of seizure conferred by section 28 of the Terrorism Act 2006.]

#### Textual Amendments

**F22** Sch. 1 para. 73H inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 28(6)(a), 39(2)**; S.I. 2006/1013, **art. 2**

VALID FROM 15/12/2007

#### *The Money Laundering Regulations 2007*

[<sup>F23</sup>73J The power of seizure conferred by regulation 39(6) of the Money Laundering Regulations 2007 (entry to premises under warrant).]

#### Textual Amendments

**F23** Sch. 1 Pt. 1 para. 73J inserted (15.12.2007) by [The Money Laundering Regulations 2007 \(S.I. 2007/2157\)](#), **reg. 51, Sch. 6 Pt. 1 para. 3**

VALID FROM 15/12/2007

#### *The Transfer of Funds (Information on the Payer) Regulations 2007*

[<sup>F24</sup>73K The power of seizure conferred by regulation 9(6) of the Transfer of Funds (Information on the Payer) Regulations 2007 (entry to premises under warrant).]

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#### Textual Amendments

- F24** Sch. 1 Pt. 1 para. 73K inserted (15.12.2007) by [The Transfer of Funds \(Information on the Payer\) Regulations 2007 \(S.I. 2007/3298\)](#), reg. 19, **Sch. 3 para. 3**

#### *Licensing Act 2003*

- [<sup>F25</sup>74 The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).]

#### Textual Amendments

- F25** Sch. 1 para. 74 inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201, **Sch. 6 para. 128(a)** (with ss. 2(3), 15(2), 195); [S.I. 2005/3056](#), art. 2(2); Sch. 1 para. 74 was subsequently renumbered as Sch. 1 para. 73E by [Gambling Act 2005 \(c. 19\)](#), Sch. 16 para. 18(1)(b)

## PART 2

### POWERS TO WHICH SECTION 51 APPLIES

#### *Police and Criminal Evidence Act 1984 (c. 60)*

- 74 Each of the powers of seizure conferred by the provisions of Part 3 of the 1984 Act (police powers of search and seizure on arrest).

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12))*

- 75 Each of the powers of seizure conferred by the provisions of Part 4 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (police powers of seizure on arrest).

#### *Firearms Act 1968 (c. 27)*

- 76 The power of seizure conferred by section 46 of the Firearms Act 1968 (seizure of firearms etc.).

#### *Misuse of Drugs Act 1971 (c. 38)*

- 77 Each of the powers of seizure conferred by the provisions of section 23(2) and (3) of the Misuse of Drugs Act 1971 (power to search for and seize controlled drugs and related documents).

#### *Immigration Act 1971 (c. 77)*

- 78 The power of seizure conferred by section 28G(7) of the Immigration Act 1971 (seizure of evidence of offences under that Act etc.).

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

*Biological Weapons Act 1974 (c. 6)*

- 79 Each of the powers of seizure conferred by the provisions of section 4(1)(b), (c) and (d) of the Biological Weapons Act 1974 (seizures under a warrant).

*Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I. ))*

- [<sup>F26</sup>80 The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.).]

**Textual Amendments**

- F26** Sch. 1 para. 80 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 25(b)** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 81 The power of seizure conferred by section 139(10) of the Criminal Justice and Public Order Act 1994 (seizure of items found in searching persons arrested under certain cross-border powers).

*Terrorism Act 2000 (c. 11)*

- 82 The power of seizure conferred by section 43(4) of the Terrorism Act 2000 (seizure on the occasion of a search of a suspected terrorist).
- 83 Each of the powers of seizure conferred by the provisions of paragraphs 1, 3, 11, 15 and 19 of Schedule 5 to the Terrorism Act 2000 (powers for use in terrorism investigations).

*Extradition Act 2003 (c. 41)*

- [<sup>F27</sup>83A The powers of seizure conferred by section 163(6) and (7) of the Extradition Act 2003 (seizure in connection with extradition).]

**Textual Amendments**

- F27** Sch. 1 para. 83A added (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), **ss. 165(3)**, 221; S.I. 2003/3103, **art. 2** (subject to [arts. 3-5](#) (as amended by SI 2003/3312, **art. 2(2)** and SI 2003/3258, **art. 2(2)**))

**PART 3**

POWERS TO WHICH SECTION 55 APPLIES

*Police and Criminal Evidence Act 1984 (c. 60)*

- 84 The power of seizure conferred by section 8(2) of the 1984 Act (police power, on exercise of search warrant, to seize property searched for).

*Status: Point in time view as at 01/01/2006.*

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*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12))*

- 85 The power of seizure conferred by Article 10(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (police power, on exercise of search warrant, to seize property searched for).

*Official Secrets Act 1911 (c. 28)*

- 86 The power of seizure conferred by section 9(1) of the Official Secrets Act 1911 (seizure of evidence that an offence under that Act has been or is about to be committed).

*Children and Young Persons (Harmful Publications) Act 1955 (c. 28)*

- 87 The power of seizure conferred by section 3(1) of the Children and Young Persons (Harmful Publications) Act 1955 (seizure of copies of work to which that Act applies etc.).

*Obscene Publications Act 1959 (c. 66)*

- 88 Each of the powers of seizure conferred by section 3(1) and (2) of the Obscene Publications Act 1959 (power to search for and seize obscene materials and documents relating to a connected business).

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

- 89 The power seizure conferred by section 51 of the Betting, Gaming and Lotteries Act 1963 (seizure of evidence of offences under that Act).

- 90 F28 .....

**Textual Amendments**

**F28** Sch. 1 para. 90 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201, [Sch. 7](#) (with ss. 2(3),15(2), 195); [S.I. 2005/3056](#), [art. 2\(2\)](#)

*Firearms Act 1968 (c. 27)*

- 91 The power of seizure conferred by section 46 of the Firearms Act 1968 (seizure of firearms etc.).

*Theft Act 1968 (c. 60)*

- 92 The power of seizure conferred by section 26(3) of the Theft Act 1968, (power to search for and seize goods suspected of being stolen).

*Gaming Act 1968 (c. 65)*

- 93 The power of seizure conferred by section 43(5) of the Gaming Act 1968 (seizure of evidence of offences under that Act).

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*Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))*

- 94 The power of seizure conferred by section 25(3) of the Theft Act (Northern Ireland) 1969 (seizure of goods suspected of being stolen).

*Immigration Act 1971 (c. 77)*

- 95 The power of seizure conferred by section 28D(3) of the Immigration Act 1971 (seizure of evidence of offences under that Act).

*Biological Weapons Act 1974 (c. 6)*

- 96 Each of the powers of seizure conferred by the provisions of section 4(1)(b), (c) and (d) of the Biological Weapons Act 1974 (seizures under a warrant).

*Lotteries and Amusements Act 1976 (c. 32)*

- 97 The power of seizure conferred by section 19 of the Lotteries and Amusements Act 1976 (seizure of evidence of offences under that Act).

*Protection of Children Act 1978 (c. 37)*

- 98 The power of seizure conferred by section 4(2) of the Protection of Children Act 1978 (seizure of indecent photographs or pseudo-photographs of children).

*Protection of Children (Northern Ireland) Order 1978 (S.I. 1978 1047 (N.I. 17))*

- 99 The power of seizure conferred by Article 4(1) of the Protection of Children (Northern Ireland) Order 1978 (seizure of indecent photographs or pseudo-photographs of children).

*Indecent Displays (Control) Act 1981 (c. 42)*

- 100 The power of seizure conferred by section 2(3) of the Indecent Displays (Control) Act 1981 (seizure of indecent matter believed to have been used in the commission of an offence under that Act).

*Forgery and Counterfeiting Act 1981 (c. 45)*

- 101 Each of the powers of seizure conferred by the provisions of sections 7(1) and 24(1) of the Forgery and Counterfeiting Act 1981 (seizure of forgeries and counterfeits and of things used for making them etc.).

*Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I.))*

- [<sup>F29</sup>102 The power of seizure conferred by Article 52 of the Firearms (Northern Ireland) Order 2004 (seizure of firearms, etc.).]

**Textual Amendments**

- F29** Sch. 1 para. 102 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), arts. 1, 82(1), [Sch. 7 para. 25\(c\)](#) (with art. 81); S.R. 2005/4, [art. 3](#) (with arts. 4-7)



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*Video Recordings Act 1984 (c. 39)*

103 The power of seizure conferred by section 17(2) of the Video Recordings Act 1984 (seizure of evidence of offences under that Act).

*Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985 1204 (N.I. 11))*

104 The power of seizure conferred by Article 180(4) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (seizure of evidence of offences under that Order).

*Criminal Justice Act 1988 (c. 33)*

105 <sup>F30</sup> .....

**Textual Amendments**

**F30** Sch. 1 para. 105 repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 40\)](#), ss. 457, 458(1)(3), [Sch. 12](#); [S.I. 2003/333](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-13](#) (as amended by [S.I. 2003/531](#), [arts. 3, 4](#)))

*Copyright, Designs and Patents Act 1988 (c. 48)*

[<sup>F31</sup>106 The powers of seizure conferred by sections 109(4), 200(3A) and 297B(4) of the Copyright, Designs and Patents Act 1988 (seizure of evidence relating to offences concerning infringing copies, illicit recordings and unauthorised decoders).]

**Textual Amendments**

**F31** Sch. 1 para. 106 substituted (1.4.2003) by [The Criminal Justice and Police Act 2001 \(Powers of Seizure\) Order 2003 \(S.I. 2003/934\)](#), [art. 3\(2\)](#)

*Computer Misuse Act 1990 (c. 18)*

107 The power of seizure conferred by section 14(4) of the Computer Misuse Act 1990 (seizure of evidence of offences under that Act).

*Trade Marks Act 1994 (c. 26)*

[<sup>F32</sup>107A The power of seizure conferred by section 92A(4) of the Trade Marks Act 1994 (seizure of evidence relating to offences concerning unauthorised use of a trade mark, etc. in relation to goods).]

**Textual Amendments**

**F32** Sch. 1 para. 107A inserted (1.4.2003) by [The Criminal Justice and Police Act 2001 \(Powers of Seizure\) Order 2003 \(S.I. 2003/934\)](#), [art. 3\(3\)](#)

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*Drug Trafficking Act 1994 (c. 37)*

- 108 The power of seizure conferred by section 56(5) of the Drug Trafficking Act 1994 (seizure of material likely to be of substantial value to an investigation into drug trafficking).

*Terrorism Act 2000 (c. 11)*

- 109 (1) Each of the powers of seizure conferred by the provisions of paragraphs 1 and 3 of Schedule 5 to the Terrorism Act 2000 (powers for use in terrorism investigations).
- (2) Each of the powers of seizure conferred by paragraphs 15 and 19 of Schedule 5 to that Act, so far only as the power in question is conferred by reference to paragraph 1 of that Schedule.

*Proceeds of Crime Act 2002 (c. 29)*

- [<sup>F33</sup>110 The power of seizure conferred by section 352(4) of the Proceeds of Crime Act 2002 (seizure of material likely to be of substantial value to certain investigations).]

**Textual Amendments**

- F33** Sch. 1 para. 110 added (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458(1)(3), [Sch. 11 para. 40\(7\)](#); S.I. 2003/120, [art. 2](#), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended by S.I. 2003/333, art. 14))

*Licensing Act 2003*

- [<sup>F34</sup>110 The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).]

**Textual Amendments**

- F34** Sch. 1 para. 110 inserted (24.11.2005) at the end of Sch. 1 Pt. 3 by virtue of [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201, [Sch. 6 para. 128\(b\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#); Sch. 1 para. 110 was subsequently renumbered as Sch. 1 para. 111 by [Gambling Act 2005 \(c. 19\)](#), [Sch. 16 para. 18\(1\)\(d\)](#)

VALID FROM 01/09/2007

*Gambling Act 2005*

- [<sup>F35</sup>112 The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).]

**Textual Amendments**

- F35** Sch. 1 para. 112 added (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356, 358, [Sch. 16 para. 18\(1\)\(d\) \(2\)](#) (with ss. 352, 354, [Sch. 16 para. 21](#)); S.I. 2006/3272, [art. 2\(4\)](#) (with transitional provisions in [art. 6](#), [Sch. 4](#))

*Status: Point in time view as at 01/01/2006.*

**Changes to legislation:** *Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

VALID FROM 13/04/2006

[<sup>F36</sup>113 The power of seizure conferred by section 28 of the Terrorism Act 2006.]

#### Textual Amendments

**F36** Sch. 1 para. 113 inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 28(6)(b)**, 39(2); S.I. 2006/1013, **art. 2**

## SCHEDULE 2

Section 70

### APPLICATIONS AND MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### APPLICATION OF ENACTMENTS

#### Notice of tests

- 1 Section 30 of the Trade Descriptions Act 1968 (c. 29) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 28(1) of that Act as it applies in relation to items seized in pursuance of that Act.
  - 2 Section 31 of the Fair Trading Act 1973 (c. 41) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act as it applies in relation to items seized in pursuance of Part 2 of that Act.
  - 3 Section 30(6) and (7) of the Consumer Protection Act 1987 (c. 43) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act as it applies in relation to items seized under section 29 of that Act.
  - 4 Article 23(6) and (7) of the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987 2049 (N.I. 20)) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order as it applies in relation to items seized under that Article.
- [<sup>F37</sup>4A Regulation 23(6) of the General Product Safety Regulations 2005 (provision about the testing of seized products) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by regulation 23 of those Regulations as it applies in relation to items seized under regulation 22 of those Regulations.]

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#### **Textual Amendments**

**F37** Sch. 2 para. 4A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(a\)](#) (with [regs. 42, 43](#))

#### *Access to seized items*

5 Subject to section 61 of this Act, section 11(3) of the Estate Agents Act 1979 (c. 38) (access to items seized under that section) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 11 of that Act as it applies in relation to items seized under section 11 of that Act.

#### *Compensation for seizure and detention*

6 Section 32 of the Fair Trading Act 1973 (c. 41) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.

7 Section 163 of the Consumer Credit Act 1974 (c. 39) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 162(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 162 of that Act.

8 Section 34 of the Consumer Protection Act 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.

9 Article 26 of the Consumer Protection (Northern Ireland) Order 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order, and the retention of those items, as it applies in relation to the seizure and detention of goods under that Article.

[<sup>F389A</sup> Regulation 26 of the General Product Safety Regulations 2005 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by regulation 22 of those Regulations, and the retention of products under regulations 22 of those Regulations.]

#### **Textual Amendments**

**F38** Sch. 2 para. 9A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(b\)](#) (with [regs. 42, 43](#))

#### *Forfeiture of seized items*

10 (1) The provisions mentioned in sub-paragraph (2) (which are about the forfeiture etc. of items which have been seized) shall apply in relation to an item seized under

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section 50 as if the item had been seized under the power of seizure in reliance on which it was seized.

- (2) Those provisions are—
- (a) section 3(3) of the Obscene Publications Act 1959 (c. 66);
  - (b) sections 4(3) and 5 of the Protection of Children Act 1978 (c. 37);
  - (c) Article 5 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978 1047 (N.I. 17));
  - (d) sections 7(2) and 24(2) of the Forgery and Counterfeiting Act 1981 (c. 45).

### *Disclosure of information*

- 11 Any provision which—
- (a) restricts the disclosure, or permits the disclosure only for limited purposes or in limited circumstances, of information obtained through the exercise of a power of seizure specified in Part 1 or 2 of Schedule 1, or
  - (b) confers power to make provision which does either or both of those things,
- shall apply in relation to information obtained under section 50 or 51 in reliance on the power in question as it applies in relation to information obtained through the exercise of that power.

### *Interpretation*

- 12 For the purposes of this Part of this Schedule, an item is seized, or information is obtained, under section 50 or 51 in reliance on a power of seizure if the item is seized, or the information obtained, in exercise of so much of any power conferred by that section as is exercisable by reference to that power of seizure.

## **PART 2**

### **MINOR AND CONSEQUENTIAL AMENDMENTS**

- 13 (1) In each of the provisions mentioned in sub-paragraph (2) (which confer powers to require the production of information contained in a computer in a visible and legible form)—
- (a) for “contained in a computer” there shall be substituted “ stored in any electronic form ”; and
  - (b) after “in which it is visible and legible” there shall be inserted “ or from which it can readily be produced in a visible and legible form ”.
- (2) Those provisions are—
- (a) sections 19(4) and 20(1) of the 1984 Act;
  - (b) Articles 21(4) and 22(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12));
  - (c) section 43(5)(aa) of the Gaming Act 1968 (c. 65);
  - (d) section 20C(3A) of the Taxes Management Act 1970 (c. 9);
  - (e) section 118D(4) of the Customs and Excise Management Act 1979 (c. 2);
  - (f) paragraph 11(4) of Schedule 11 to the Value Added Tax Act 1994 (c. 23);
  - (g) paragraph 4A(4) of Schedule 7 to the Finance Act 1994 (c. 9);

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- (h) paragraph 7(4) of Schedule 5 to the Finance Act 1996 (c. 8);  
 (i) paragraph 131(4) of Schedule 6 to the Finance Act 2000 (c. 17).
- 14 In paragraph 5 of Schedule 1 to each of the 1984 Act and the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12)) (power to require the production of information contained in a computer in a visible and legible form)—
- (a) for “contained in a computer” there shall be substituted “ stored in any electronic form ”; and  
 (b) in paragraph (a), after “in which it is visible and legible” there shall be inserted “ or from which it can readily be produced in a visible and legible form ”.
- 15 In section 46(3) of the Firearms Act 1968 (c. 27) (power to require the production of information kept by means of a computer in a visible and legible form)—
- (a) for “kept by means of a computer” there shall be substituted “ stored in any electronic form ”; and  
 (b) after “in which it is visible and legible” there shall be inserted “ or from which it can readily be produced in a visible and legible form ”.
- 16 (1) In each of the provisions mentioned in sub-paragraph (2) (which confer power to require the production in legible form of information recorded otherwise than in legible form), after “information in legible form” there shall be inserted “ , or in a form from which it can readily be produced in visible and legible form ”.
- (2) Those provisions are—
- F39(a) .....  
 F39(b) .....  
 F39(c) .....  
 F39(d) .....  
 (e) section 40(5)(b) of the Human Fertilisation and Embryology Act 1990 (c. 37);  
 (f) the definition of “documents” in section 417(1) of the Financial Services and Markets Act 2000 (c. 8).

#### Textual Amendments

**F39** Sch. 2 para. 16(a)-(d) repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 364(f)

- 17 In [F40section 434(6)] of the Companies Act 1985 (c. 6) and Articles 427(6) and 440(9) of the Companies (Northern Ireland) Order 1986 (S.I. 1986 1032 (N.I. 6)) (power to require the production in legible form of information recorded otherwise than in legible form), at the end there shall be inserted “ , or in a form from which it can readily be produced in visible and legible form ”.

#### Textual Amendments

**F40** Words in Sch. 2 para. 17 substituted (6.4.2005) by Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27), ss. 25, 65, Sch. 2 para. 30; S.I. 2004/3322, art. 2(2), Sch. 2 (subject to arts. 4-13)

*Status: Point in time view as at 01/01/2006.*

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- 18 In section 32 of the Food Safety Act 1990 (c. 16) (powers of entry), in subsections (5) and (6)(b), for “kept by means of a computer” there shall be substituted “ stored in any electronic form ”.
- 19 In Article 33 of the Food Safety (Northern Ireland) Order 1991 (S.I. 1991 762 (N.I. 7)) (powers of entry), in paragraphs (6) and (7)(b), for “kept by means of a computer” there shall be substituted “ stored in any electronic form ”.
- 20 In paragraph 3(1)(b) of the Schedule to the Property Misdescriptions Act 1991 (c. 29) and paragraph 3(1)(b) of Schedule 2 to the Timeshare Act 1992 (c. 35) (powers to require the production of information contained in a computer in a visible and legible documentary form)—
- (a) after “form” there shall be inserted “ or from which it can readily be produced in a visible and legible form ”; and
  - (b) for “contained in a computer” there shall be substituted “ stored in any electronic form ”.
- 21 In sections 27(5)(e) and 28(2)(f) of the Competition Act 1998 (c. 41) (power to require the production of information held in a computer in a visible and legible form)—
- (a) for “held in a computer” there shall be substituted “ stored in any electronic form ”; and
  - (b) after “in which it is visible and legible” there shall be inserted “ or from which it can readily be produced in a visible and legible form ”.
- 22 In section 8(2)(c) of the Nuclear Safeguards Act 2000 (c. 5) (power to require the production of information which is held in electronic form in a form in which it can be read and copied), after “copy it” there shall be inserted “ , or from which it can readily be produced in a form in which he can read and copy it ”.
- 23 In section 2 of the Criminal Justice Act 1987 (c. 38) (investigation powers of the Director of the Serious Fraud Office), after subsection (8C) there shall be inserted—
- “(8D) The references in subsections (8A) to (8C) above to evidence obtained by the Director include references to evidence obtained by him by virtue of the exercise by a constable, in the course of a search authorised by a warrant issued under subsection (4) above, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.”
- 24 In section 7 of the Criminal Justice (International Co-operation) Act 1990 (c. 5) (search etc. for material relevant to overseas investigation), after subsection (8) there shall be inserted—
- “(8A) Subject to subsection (8B) below, the reference in subsection (4) above to evidence seized by a constable by virtue of this section shall be taken to include a reference to evidence seized by a constable by virtue of the exercise, in the course of a search authorised by a warrant issued by virtue of this section, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.
- (8B) Nothing in subsection (8A) above requires any evidence to be furnished to the Secretary of State—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under subsection (2) of section 53 of the Criminal Justice and Police Act 2001, to be

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- property which falls within subsection (3) of that section (property which may be retained after examination); or
- (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.”
- 25 In section 8 of the Criminal Justice (International Co-operation) Act 1990 (which makes similar provision for Scotland) after subsection (6) there shall be added—
- “(7) Subject to subsection (8) below, the reference in subsection (2) above to evidence seized by a constable by virtue of this section shall be taken to include a reference to evidence seized by a constable by virtue of the exercise, in the course of a search authorised by a warrant issued by virtue of this section, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.
- (8) Nothing in subsection (7) above requires any evidence to be furnished to the Lord Advocate—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under subsection (2) of section 53 of the Criminal Justice and Police Act 2001, to be property which falls within subsection (3) of that section (property which may be retained after examination); or
- (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.”
- 26 Section 426 of the Financial Services and Markets Act 2000 (c. 8) (consequential and supplementary provision) shall have effect as if the provisions referred to in subsection (2)(b) of that section included the provisions of this Part of this Act.
- 27 In paragraph 29(1)(a) of Schedule 5 to the Terrorism Act 2000 (c. 11) (conditions for grant of warrant), for “28” there shall be substituted “ 22 ”.

### SCHEDULE 3

Section 87

#### THE CENTRAL POLICE TRAINING AND DEVELOPMENT AUTHORITY

##### *Constitution of the Authority*

- 1 (1) The Central Police Training and Development Authority shall consist of the members appointed by the Secretary of State; and the Secretary of State shall appoint one of the members to be the chairman of the Authority.
- (2) Before appointing the chairman the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of police authorities for areas in England and Wales; and
- (b) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales.
- (3) The members, apart from the chairman, shall at all times include—



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- (a) at least two members whom the Secretary of State considers to be capable of representing the interests of police authorities for areas in England and Wales;
  - (b) at least two members whom the Secretary of State considers to be capable of representing the interests of chief officers of police of police forces in England and Wales; and
  - (c) at least one Crown Servant.
- (4) The total number of the members of the Authority shall not at any time be less than eleven.

### *Disqualification*

- 2 A person shall be disqualified for being appointed as a member of the Authority if he has not attained the age of twenty-one years.
- 3 (1) Subject to sub-paragraphs (2) and (3), a person shall be disqualified for being appointed as a member of the Authority, or for continuing to be such a member if—
- (a) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (b) he is subject to a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or Part 2 of the Companies (Northern Ireland) Order 1989 (S.I. 1989 2404 (N.I. 18)), or to an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order); or
  - (c) within the period of five years before, or at any time on or after, the date of his appointment he has been convicted in any part of the British Islands of an offence in respect of which he was sentenced to imprisonment for a period of three months or more.
- (2) Where a person is disqualified under sub-paragraph (1)(a) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease to have effect—
- (a) in the case of the bankruptcy order being annulled or the sequestration of his estate being recalled or reduced, on the date of that event; and
  - (b) in any other case, on his obtaining a discharge.
- (3) Where a person is disqualified under sub-paragraph (1)(a) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease to have effect—
- (a) in the case of his paying his debts in full, on the date on which the payment is completed; and
  - (b) in any other case, at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (4) For the purposes of sub-paragraph (1)(c)—
- (a) the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal

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or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution;

- (b) a sentence of imprisonment for any term the whole or any part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

#### *Tenure of office*

4 Subject to paragraphs 3(1) and 5 to 7 a person shall hold and vacate office as a member of the Authority in accordance with the terms of his appointment.

5 A person shall be appointed to hold office as a member of the Authority for—  
(a) a term of five years; or  
(b) such shorter term as the Secretary of State may determine in any particular case.

6 A person may at any time resign his office as chairman or as a member of the Authority by notice in writing to the Secretary of State.

7 The Secretary of State may remove a person from office as the chairman or as a member the Authority if he is satisfied that—  
(a) that person has been absent from meetings of the Authority for a period exceeding four consecutive months without the consent of the Authority;  
(b) that person has been convicted of a criminal offence (but is not disqualified for continuing to be a member under paragraph 3);  
(c) that person is unable or unfit to carry out his functions as a member; or  
(d) that person has failed to comply with the terms of his appointment.

#### *Eligibility for re-appointment*

8 A person who ceases to be a member, or to be the chairman, of the Authority otherwise than by virtue of paragraph 7 may (if otherwise eligible) be re-appointed.

#### *Remuneration, pensions etc. of members*

9 (1) The Authority shall pay to its members such remuneration and allowances as the Secretary of State may determine.

(2) The Authority shall, as regards any of its members or former members in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine.

(3) If—

- (a) a person ceases to be a member or ceases to be the chairman of the Authority, and  
(b) it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation,

the Secretary of State may direct the Authority to make a payment of such amount as he may determine.

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### *Members of staff of the Authority*

- 10 (1) The Authority shall have—
- (a) a chief executive, with responsibility to the Authority for the carrying out of the Authority's functions and the management of their staff; and
  - (b) subject to the approval of the Secretary of State as to numbers and terms and conditions of service, such other staff as the Authority may appoint.
- (2) The chief executive shall be appointed by the Authority, but no appointment of a chief executive may be made except with the consent of the Secretary of State.
- (3) References in this Schedule to the staff of the Authority include references to their chief executive.

### *Staff remuneration and pensions*

- 11 (1) The Authority—
- (a) shall pay to members of their staff such remuneration and allowances, and
  - (b) may make such payments in respect of remuneration and allowances paid by others to persons engaged with the Authority as members of their staff on periods of temporary service,
- as the Authority may, with the consent of the Secretary of State, determine.
- (2) The Authority shall—
- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of any persons who are, or have been, members of their staff as the Authority may, with the consent of the Secretary of State, determine; and
  - (b) establish and maintain such schemes (whether contributory or not) as they may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of members of the staff of the Authority who suffer loss of employment or loss or diminution of emoluments.
- (4) If any person—
- (a) after ceasing to be employed by the Authority becomes or continues to be one of the Authority's members, and
  - (b) was, by reference to his employment, a participant in a pension scheme maintained by the Authority,
- the Authority may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as they may with the consent of the Secretary of State determine, as if his service as a member of the Authority were service as a member of their staff.
- (5) Any provision made by virtue of sub-paragraph (4) is without prejudice to paragraph 9.
- 12 (1) Employment as a member of staff of the Authority shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.

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- (2) Where a person is, by reference to employment as a member of the Authority’s staff, a participant in a scheme under section 1 of that Act and becomes a member of the Authority, the Minister for the Civil Service may determine that his service as a member of the Authority shall be treated for the purposes of the scheme as service as a member of staff (whether or not any benefits are payable to or in respect of him by virtue of paragraph 9).

*Status of staff members as constables*

- 13 (1) A person holding the office of constable immediately before his appointment as the chief executive of the Authority—
- (a) continues to hold that office while he is the chief executive; and
  - (b) as the chief executive, shall hold that office with the rank of chief constable.
- (2) A person holding the office of constable immediately before his appointment as a member of staff of the Authority (other than the chief executive) continues to hold that office while he is a member of that staff.

*Liability for acts of police members of staff*

- 14 (1) The Authority shall be liable in respect of [<sup>F41</sup>any unlawful conduct of] seconded constables in the carrying out, or purported carrying out, of their functions as members of the staff of the Authority in like manner as an employer is liable in respect of [<sup>F41</sup>any unlawful conduct of] his employees in the course of their employment; and accordingly the Authority shall [<sup>F42</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (2) In this paragraph “seconded constables” means constables serving as members of the staff of the Authority without being employees of the Authority.

**Textual Amendments**

**F41** Words in Sch. 3 para. 14(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 102\(1\)\(a\)\(2\)](#); [S.I. 2002/2306, art. 2](#)

**F42** Words in Sch. 3 para. 14(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 102\(1\)\(b\)\(2\)](#); [S.I. 2002/2306, art. 2](#)

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

**C1** [Sch. 3 para. 14\(1\)](#) excluded (prosp.) by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 51A\(2B\)](#) (as inserted (prosp.) by [Police Reform Act 2002 \(c. 30\), ss. 95\(4\), 108](#))

*Committees*

- 15 (1) The Authority may establish committees.
- (2) Any committee established under sub-paragraph (1) may establish one or more sub-committees.
- (3) A person who is not a member of the Authority may be appointed to a committee or sub-committee of the Authority.

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- (4) The Authority may pay to members of their committees or sub-committees who are neither members nor members of staff of the Authority such remuneration and allowances as the Secretary of State may determine.

#### *Delegation to committees*

- 16 (1) The Authority may, to such extent as they may determine, delegate any of their functions to any committee of the Authority.
- (2) Any such committee may, to such extent as it may determine, delegate any function conferred on it to any of its sub-committees.

#### *Proceedings*

- 17 (1) Subject to the following provisions of this paragraph, the Authority may regulate—
- (a) their own procedure (including quorum); and
  - (b) the procedure (including quorum) of their committees and sub-committees.
- (2) The Authority shall make provision for a quorum for meetings of their committees or sub-committees to include at least one member or member of staff of the Authority.
- 18 The acts and proceedings of any person appointed to be a member, or to be chairman, of the Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 19 The proceedings of the Authority shall not be invalidated by a vacancy in the membership of the Authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

#### *Application of seal and evidence*

- 20 The application of the seal of the Authority shall be authenticated by the signature—
- (a) of any member of the Authority; or
  - (b) of any other person who has been authorised by the Authority (whether generally or specially) for that purpose.
- 21 A document purporting to be—
- (a) duly executed by the Authority under their seal, or
  - (b) signed on their behalf,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

#### *Status*

- 22 The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Authority shall not be regarded as property of, or property held on behalf of, the Crown.

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### *Money*

- 23 The Secretary of State may make payments to the Authority out of money provided by Parliament.
- 24 (1) The Authority may impose such charges as they consider appropriate in connection with the carrying out of any of their functions.
- (2) The Authority shall pay to the Secretary of State all sums received by them (otherwise than under paragraph 23) in the course of, or in connection with, the carrying out of their functions.
- (3) Sub-paragraph (2) shall not apply where the Secretary of State so directs.
- (4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.
- 25 (1) Subject to sub-paragraph (3), the Authority may, in the course of or in connection with the carrying out of any of their functions, accept gifts or loans of money or other property, on such terms (if any) as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under sub-paragraph (1) may include terms providing for the commercial sponsorship of any activity of the Authority.
- (3) The Authority shall not borrow money except with the consent of the Secretary of State.
- 26 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall be in such form, and shall contain such information, as the Secretary of State may direct.
- (3) The Authority shall, within such period after the end of each financial year as the Secretary of State may direct, send copies of the statement of accounts relating to that year to the Secretary of State and to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement of accounts sent to him by the Authority under this paragraph; and
  - (b) lay copies of each such statement and of his report on it before each House of Parliament.

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## SCHEDULE 4

Section 102

### CONSEQUENTIAL AMENDMENTS RELATING TO POLICE TRAINING

#### *The Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 there shall be inserted, at the appropriate place—

“Central Police Training and Development Authority”.

#### *The Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), there shall be inserted, at the appropriate place—

“Central Police Training and Development Authority”.

#### *The Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which that Act applies), in the entries under the heading “Other bodies”, there shall be inserted, at the appropriate place—

“The Central Police Training and Development Authority”.

#### *The House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place—

“The Central Police Training and Development Authority”.

#### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place—

“The Central Police Training and Development Authority”

#### *Amendments of Police Pensions Act 1976 (c. 35)*

- 6 (1) The Police Pensions Act 1976 (as amended by section 126 of this Act) shall be amended as follows.

- (2) In section 7(2) (payment of pensions and contributions into Consolidated Fund or out of moneys provided by Parliament), after paragraph (cd) there shall be inserted—

“(ce) a member of the staff of the Central Police Training and Development Authority who holds the rank of constable but is not engaged on service of the kind described in section 97(1)(cd) of the Police Act 1996 (c. 16) (temporary service);”.

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- (3) In section 11(1) (meaning of membership of police force or service in a police force), after paragraph (bd) there shall be inserted—
- “(be) service, by a person holding the rank of constable, as a member of the staff of the Central Police Training and Development Authority, other than service of the kind described in section 97(1)(cd) of the Police Act 1996 (temporary service);”.
- (4) In section 11(2) (meaning of “police authority”), after paragraph (d) there shall be inserted—
- “(da) in relation to any such service as is mentioned in subsection (be) above or any service of the kind described in section 97(1)(cd) of the Police Act 1996, it means the Central Police Training and Development Authority;”.
- (5) In section 11(3)(b) (meaning of “police force”), after “(bd),” there shall be inserted “(be),”.

*The Police Act 1996 (c. 16)*

- 7 (1) In section 54(2) of the 1996 Act (functions of inspectors of constabulary), after “Squad” there shall be inserted “ and the Central Police Training and Development Authority ”.
- (2) In section 55 of that Act (publication of reports), after subsection (7) there shall be inserted—
- “(8) Subsections (3) to (6) above apply in relation to a report relating to the Central Police Training and Development Authority as if—
- (a) the reference to the police authority maintaining the police force to which the report relates were a reference to the Central Police Training and Development Authority; and
- (b) subsections (3)(b), (4) and (5)(b) and (c) were omitted.”
- (3) In section 97 of that Act (police officers engaged on service outside their forces)—
- (a) in subsection (1), after paragraph (cc) there shall be inserted—
- “(cd) temporary service with the Central Police Training and Development Authority on which a person is engaged with the consent of the appropriate authority;”;
- and
- (b) in each of subsections (6)(a) and (8), after “(cc),” there shall be inserted “(cd),”.

*The Freedom of Information Act 2000 (c. 36)*

- 8 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) there shall be inserted, at the appropriate place—
- “The Central Police Training and Development Authority.”



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## SCHEDULE 5

Section 108

### THE SERVICE AUTHORITIES FOR NCIS AND NCS

#### PART 1

#### CORE MEMBERS

- 1 Part 1 of Schedule 1 to the 1997 Act (appointment of core members of the Service Authorities) shall be amended in accordance with this Part.
- 2 In paragraph 1 (number of core members), for “ten” there shall be substituted “ eight ”.
- 3 In paragraph 2 (three core members to be appointed by Secretary of State)—
  - (a) in sub-paragraph (1), for “Three” there shall be substituted “ At least three, and not more than four, ”;
  - (b) in sub-paragraph (2)(c), the words “local authority” shall be omitted; and
  - (c) in sub-paragraph (4) the words “in relation to the NCIS Service Authority” shall be omitted.
- 4 In paragraph 3 (two core members to be chief officers of police forces in England and Wales etc.)—
  - (a) in sub-paragraph (1) for “Two” there shall be substituted “ One ”; and
  - (b) sub-paragraph (2) shall be omitted.
- 5 In paragraph 4 (four core members to be local authority members of police authorities)—
  - (a) in sub-paragraph (1)—
    - (i) for “Four” there shall be substituted “ One ”; and
    - (ii) the words “local authority” shall be omitted; and
  - (b) sub-paragraph (2) shall be omitted.
- 6 For paragraph 6 (one core member to be Crown servant appointed by Secretary of State) there shall be substituted—
  - “6 (1) The relevant number of core members shall be Crown servants appointed by the Secretary of State under this paragraph.
  - (2) For this purpose “the relevant number” means—
    - (a) if three core members are appointed under paragraph 2, two, and
    - (b) if four core members are so appointed, one.”

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- 7 After paragraph 6 (and immediately before the new paragraph 6B inserted by section 104 of this Act) there shall be inserted—

“6A One of the core members shall be a customs officer appointed by the Commissioners of Customs and Excise under this paragraph.”

## PART 2

### OTHER MEMBERS OF NCIS SERVICE AUTHORITY

- 8 In Part 2 of Schedule 1 to the 1997 Act (appointment of additional members of NCIS Service Authority), for paragraph 7 (appointment of other members where Authority has 19 members) there shall be substituted—

“7 Where the NCIS Service Authority is to consist of eleven members by virtue of section 1, then in addition to the eight core members—

- (a) one of the members shall be a person appointed under this paragraph in accordance with paragraph 7A,
- (b) one shall be a person appointed under this paragraph in accordance with paragraph 7B, and
- (c) one shall be a member of the Security Service appointed by the Secretary of State under this paragraph.

7A (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall, after consultation with the Scottish Ministers, decide whether the person appointed must be—

- (a) a chief constable of a police force in Scotland,
- (b) a member of a police authority for an area in Scotland, or
- (c) a Crown servant.

(2) Where such a decision is made—

- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the chief constables of police forces in Scotland, from among their number;
- (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of police authorities for areas in Scotland, from among their number; and
- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Scottish Ministers.

7B (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall decide whether the person appointed must be—

- (a) a person holding at least the rank of deputy chief constable in the Police Service of Northern Ireland,

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- (b) a member of the Northern Ireland Policing Board, or
  - (c) a Crown servant.
- (2) Where such a determination is made—
- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the Chief Constable of the Police Service of Northern Ireland;
  - (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of the Northern Ireland Policing Board, from among their number; and
  - (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Secretary of State.”
- 9 (1) Paragraph 8 of that Part (appointment of other members where Authority has more than 19 members) shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “nineteen” there shall be substituted “ eleven ”;
  - (b) for “ten” there shall be substituted “ eight ”;
  - (c) in paragraph (d), for “one shall be a person” there shall be substituted “ a prescribed number shall be persons ”;
  - (d) in paragraph (e), the words “(being not less than two)” and “local authority” shall be omitted;
  - (e) for paragraph (h) there shall be substituted—
    - “(h) a prescribed number shall be Crown servants appointed by the Secretary of State under this paragraph;
    - (ha) a prescribed number shall be Crown servants appointed by the Scottish Ministers under this paragraph; and”;
- and
- (f) in paragraph (i), for “one shall be a customs officer” there shall be substituted “ a prescribed number shall be customs officers ”.
- (3) Sub-paragraph (2) shall be omitted.
- (4) In sub-paragraph (5), after “paragraph” there shall be inserted “ ; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1) ”.

### PART 3

#### OTHER MEMBERS OF NCS SERVICE AUTHORITY

- 10 (1) In Part 3 of Schedule 1 to the 1997 Act (appointment of additional members of NCS Service Authority), the existing paragraph 9 (appointment of other members where Authority has 17 members) shall become sub-paragraph (1) of that paragraph.
- (2) In that sub-paragraph—
- (a) for “seventeen” there shall be substituted “ eleven ”;
  - (b) for “ten” there shall be substituted “ eight ”;

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- (c) in paragraph (b)—
  - (i) for “six” there shall be substituted “ one ”; and
  - (ii) the words “local authority” shall be omitted; and
- (d) after that paragraph there shall be inserted “; and
  - (c) one shall be appointed by the Secretary of State.”

(3) After that sub-paragraph there shall be inserted—

- “(2) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)
- (c) as it applies to appointments under paragraph 2.”

- 11 In paragraph 10 of that Part (appointment of other members where Authority has more than 17 members)—
- (a) in sub-paragraph (1)—
    - (i) for “seventeen” there shall be substituted “ eleven ”; and
    - (ii) for “ten” there shall be substituted “ eight ”;
  - (b) in paragraph (c) of that sub-paragraph the words “(being not less than six)” and “local authority” shall be omitted;
  - (c) sub-paragraph (2) shall be omitted; and
  - (d) in sub-paragraph (5), after “paragraph” there shall be inserted “ ; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1) ”.

## PART 4

### GENERAL

- 12 In Part 4 of Schedule 1 to the 1997 Act (general provisions relating to the Service Authorities), paragraph 12 (local authority members to reflect balance of political parties) shall be omitted.
- 13 In paragraph 13 of that Part (clerk to Service Authority to facilitate appointment of certain members), in sub-paragraph (a), the words “local authority” shall be omitted.
- 14 Paragraph 14 of that Part (meaning of “local authority members of police authorities”) shall be omitted.

*Status: Point in time view as at 01/01/2006.*

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## SCHEDULE 6

Section 128

### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO NCIS AND NCS

#### PART I

##### THE 1997 ACT

- 1 The 1997 Act shall be amended in accordance with this Part.
- 2 In section 1 (the NCIS Service Authority)—
  - (a) in subsection (4) (persons to be consulted before order made expanding the Authority)—
    - (i) the word “and” at the end of paragraph (d) shall be omitted; and
    - (ii) after that paragraph there shall be inserted—

“(da) the Director-General of the Security Service; and”;
  - and
  - (b) in subsection (7), for “Schedule 2” there shall be substituted “ Schedules 2 and 2A ”.
- 3 In section 2 (general functions of the NCIS Service Authority and NCIS), in subsection (6), the words “or under Schedule 3” shall be omitted.
- 4 In section 3 (objectives determined by NCIS Service Authority), in subsection (4) (persons to be consulted before objectives determined)—
  - (a) the word “and” at the end of paragraph (c) shall be omitted; and
  - (b) at the end of paragraph (d) there shall be inserted “; and
  - (e) the Director-General of the Security Service.”
- 5 In section 4 (service plans), in subsection (5) (persons to be sent copy of plan)—
  - (a) the word “and” at the end of paragraph (f) shall be omitted; and
  - (b) after that paragraph there shall be inserted—

“(fa) the Director-General of the Security Service; and”.
- 6 In section 5 (annual reports), in subsection (3) (persons to be sent copy of report)—
  - (a) the word “and” at the end of paragraph (f) shall be omitted; and
  - (b) after that paragraph there shall be inserted—

“(fa) the Director-General of the Security Service; and”.

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- 7 In section 6 (appointment of Director General of NCIS), in subsection (4)(b), the words “local authority” and “(as defined in paragraph 14 of that Schedule)” shall be omitted.
- 8 In section 9 (members of NCIS), in subsection (8) (delegation of powers of appointment to Director General), for the words from “Where” to “that order” there shall be substituted “ The NCIS Service Authority shall exercise its powers under Schedule 2A ”.
- 9 In section 26 (setting of objectives by Secretary of State), in subsection (2) (persons to be consulted before objectives are set)—
- (a) the word “and” at the end of paragraph (g) shall be omitted; and
  - (b) after that paragraph there shall be inserted—
    - “(ga) the Director-General of the Security Service; and”.
- 10 In section 41 (arrangements for consultation)—
- (a) in subsection (1) (persons to be consulted by NCIS Service Authority)—
    - (i) the word “and” at the end of paragraph (c) shall be omitted; and
    - (ii) after that paragraph there shall be inserted—
      - “(ca) the Director-General of the Security Service; and”;
  - and
  - (b) in subsection (2) (persons to be consulted by Director General of NCIS)—
    - (i) the word “and” at the end of paragraph (e) shall be omitted; and
    - (ii) after that paragraph there shall be inserted—
      - “(ea) the Director-General of the Security Service; and”.
- 11 In section 47 (the NCS Service Authority)—
- (a) in subsection (4) (persons to be consulted before order made expanding the Authority)—
    - (i) the word “and” at the end of paragraph (b) shall be omitted; and
    - (ii) at the end of paragraph (c) there shall be inserted “, and
    - (d) the Commissioners of Customs and Excise.”;
  - and
  - (b) in subsection (7), for “Schedule 2” there shall be substituted “ Schedules 2 and 2A ”.
- 12 In section 48 (general functions of NCS Service Authority and the National Crime Squad), in subsection (7), the words “or under Schedule 5” shall be omitted.
- 13 In section 49 (objectives determined by the NCS Service Authority), in subsection (4) (persons to be consulted before objectives determined)—

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- (a) the word “and” at the end of paragraph (b) shall be omitted; and
  - (b) after that paragraph there shall be inserted—
    - “(ba) the Commissioners of Customs and Excise; and”
  
- 14 In section 50 (service plans), in subsection (5) (persons to be sent copy of plan)—
  - (a) the word “and” at the end of paragraph (d) shall be omitted; and
  - (b) at the end of paragraph (e) there shall be inserted “; and
    - (f) the Commissioners of Customs and Excise.”
  
- 15 In section 51 (annual reports), in subsection (3) (persons to be sent copy of report)—
  - (a) the word “and” at the end of paragraph (d) shall be omitted; and
  - (b) at the end of paragraph (e) there shall be inserted “; and
    - (f) the Commissioners of Customs and Excise.”
  
- 16 In section 52 (appointment of Director General of National Crime Squad), in subsection (4)(b), the words “local authority” and “(as defined in paragraph 14 of that Schedule)” shall be omitted.
  
- 17 In section 55 (members of National Crime Squad), in subsection (8) (delegation of powers of appointment to Director General), for “section 101 (and section 107) of the Local Government Act 1972” there shall be substituted “ Schedule 2A ”.
  
- 18 In section 71 (setting of objectives by Secretary of State), in subsection (2) (persons to be consulted before objectives are set)—
  - (a) the word “and” at the end of paragraph (e) shall be omitted; and
  - (b) at the end of paragraph (f) there shall be inserted “; and
    - (g) the Commissioners of Customs and Excise.”
  
- 19 In section 85 (arrangements for consultation)—
  - (a) in subsection (1) (persons to be consulted by NCS Service Authority)—
    - (i) the word “and” at the end of paragraph (b) shall be omitted; and
    - (ii) after that paragraph there shall be inserted—
      - “(ba) the Commissioners of Customs and Excise; and”;
  - and
  - (b) in subsection (2) (persons to be consulted by Director General of NCS)—
    - (i) the word “and” at the end of paragraph (b) shall be omitted; and
    - (ii) after that paragraph there shall be inserted—
      - “(ba) the Commissioners of Customs and Excise; and”.
  
- 20 (1) In Schedule 2 (other provisions about members of Service Authorities), in paragraph 3(1) (disqualification by reason of employment with Service Authority etc.), for paragraph (a) there shall be substituted—

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- “(a) he is—
- (i) a member of NCIS or of the National Crime Squad, or
  - (ii) an employee or officer of the Authority (who is not such a member);”.
- (2) In paragraph 6 of that Schedule (resignation), in sub-paragraph (2)—
- (a) in paragraph (b), for “7(g)” there shall be substituted “ 6A ”; and
  - (b) in paragraph (c), for “7(f) or 8(1)(h)” there shall be substituted “ 7(a) or 8(1)(ha) ”.
- (3) In paragraph 7 of that Schedule (circumstances in which persons automatically cease to be members)—
- (a) in sub-paragraph (1), for “7(c), (d) or (e), 8(1)(e), (f) or (g), 9(b)” there shall be substituted “ 7(a) or (b), 8(1)(e), (f) or (g), 9(1)(b) ”;
  - (b) in sub-paragraph (3), for “7(f) or 8(1)(h)” there shall be substituted “ 7(a) or (b) or 8(1)(h) or (ha) ”;
  - (c) in sub-paragraph (4)—
    - (i) after “7(a) or (b)”, there shall be inserted “ (by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a)) ”; and
    - (ii) for “9(a)” there shall be substituted “ 9(1)(a) ”;
  - (d) in sub-paragraph (5), for “the NCIS Service Authority under paragraph 7(g)” there shall be substituted “ a Service Authority under paragraph 6A ”; and
  - (e) after sub-paragraph (5), there shall be inserted—
 

“(6) A person appointed to be a member of the NCIS Service Authority under paragraph 7(c) shall cease to be a member if he ceases to be a member of the Security Service.”
- (4) In paragraph 8 of that Schedule (removal of members), after sub-paragraph (5) there shall be inserted—
- “(6) For the purposes of this paragraph, in relation to a member appointed under paragraph 7(a) or (b) of Schedule 1 the references to the person or persons who are (or would be) required to appoint his successor are to be read as references to the Secretary of State.”
- (5) Paragraph 9 of that Schedule (removal of members to maintain political balance of local authority members) shall be omitted.
- (6) In paragraph 10 of that Schedule (effect of removing a core member), the words “or 9” shall be omitted.
- (7) In paragraph 13 of that Schedule (eligibility of senior police officers to vote)—
- (a) after “7(a) or (b)”, there shall be inserted “ (by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a)) ”;
  - (b) for “9(a)” there shall be substituted “ 9(1)(a) ”; and
  - (c) in paragraph (b), for “section 7 or, as the case may be, 53 to require the Director General, or any other member,” there shall be substituted “ section 9A or, as the case may be, 55A to require a member of NCIS or the National Crime Squad ”.



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(8) In paragraph 14 of that Schedule (crown servants not eligible to vote), for “7(f) or 8(1)(h)”, there shall be substituted “ 7(a) or (b) (by virtue of being a person within paragraph 7A(1)(c) or 7B(1)(c)), 7(c) or 8(1)(h) or (ha) ”.

(9) In paragraph 18 of that Schedule (co-opted members), for sub-paragraph (3) there shall be substituted—

“(3) A member of the Security Service shall be disqualified for being co-opted as a member of the NCS Service Authority; and a person shall cease to be a co-opted member of that Authority if he becomes a member of the Security Service.”

21 After Schedule 2, there shall be inserted the following Schedule—

“SCHEDULE  
2A

FURTHER PROVISIONS ABOUT SERVICE AUTHORITIES

***Powers***

- 1 (1) For the purpose of exercising its functions a Service Authority may, subject to the provisions of this Act—
  - (a) enter into contracts and other agreements (whether legally binding or not);
  - (b) acquire and dispose of property (including land);
  - (c) borrow money; and
  - (d) do such other things as the Authority thinks necessary or expedient.
- (2) But the Authority may exercise a power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (3) Such consent may be given—
  - (a) with respect to a particular case or with respect to a class of cases;
  - (b) subject to such conditions as the Secretary of State considers appropriate.

***Committees***

- 2 (1) A person who is not a member of a Service Authority shall not be appointed to a committee or sub-committee of the Authority unless the Secretary of State has consented to the appointment.
- (2) Remuneration and allowances paid to members of committees and sub-committees of a Service Authority who are not members of the Authority shall be of such amounts as the Secretary of State may determine.

***Proceedings***

- 3 Subject to the provisions of this Schedule, each Service Authority shall regulate its own procedure.

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- 4 (1) Each Service Authority shall make provision for a quorum for its meetings to include at least one member appointed under each of paragraphs 2, 3 and 4 of Schedule 1.
- (2) Each Service Authority shall make provision for a quorum for meetings of any committee or sub-committee to include at least one member or employee of the Service Authority.

***Arrangements for discharge of functions by Service Authorities***

- 5 (1) Each Service Authority may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Authority.
- (2) Where by virtue of this paragraph any functions of an Authority may be discharged by a committee of the Authority, then, unless the Authority otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the Authority.
- (3) Where by virtue of this paragraph any functions of an Authority may be discharged by a sub-committee of the Authority, then, unless the Authority or the committee otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the Authority.
- (4) Any arrangements made by an Authority, a committee or sub-committee under this paragraph shall not prevent it from exercising the functions concerned.
- 6 (1) A Service Authority may discharge any of its functions jointly with—
  - (a) the other Service Authority;
  - (b) one or more police authorities; or
  - (c) the other Service Authority and one or more police authorities.
- (2) Where such arrangements (“joint arrangements”) are in force, the parties to the arrangements may also provide for the discharge of those functions by a joint committee of theirs or by an officer of one of them.
- (3) Where, under sub-paragraph (2), joint arrangements provide that functions may be discharged by a joint committee, then, unless the parties to the arrangements otherwise direct, that committee may arrange for the discharge of any of those functions by a sub-committee of the joint committee or an officer of one of the parties to the arrangements.
- (4) Where joint arrangements are in force, any enactment relating to the functions to which the arrangements relate or to the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in respect of its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (5) For the purposes of sub-paragraph (1) “police authorities” means—
  - (a) police authorities for areas in England and Wales;
  - (b) police authorities for areas in Scotland; and
  - (c) the Northern Ireland Policing Board.

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- 7 References in paragraphs 5 and 6 to the discharge of any of the functions of a Service Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- 8 (1) For the purposes of paragraphs 5 and 6, “officer”—
- (a) in relation to the NCIS Service Authority, means the Director General of NCIS, his deputy while performing the duties of the Director General and any person employed by the Authority; and
  - (b) in relation to the NCS Service Authority, means the Director General of the National Crime Squad, his deputy while performing the duties of the Director General and any person employed by the Authority.
- (2) Where pursuant to arrangements made by virtue of paragraph 5 or 6 the Director General of NCIS, or his deputy, may discharge functions of the NCIS Service Authority, he may arrange for the discharge of any of those functions by any other member of NCIS.
- (3) Where pursuant to arrangements made by virtue of paragraph 5 or 6 the Director General of the National Crime Squad, or his deputy, may discharge functions of the NCS Service Authority, he may arrange for the discharge of any of those functions by any other member of that Squad.

### **Interpretation**

- 9 In this Schedule “Service Authority” means—
- (a) the NCIS Service Authority, or
  - (b) the NCS Service Authority.”

### **Commencement Information**

- II** [Sch. 6 para. 21](#) partly in force; [Sch. 6 para. 21](#) not in force at Royal Assent, see [s. 138](#); [Sch. 6 para. 21](#) in force at 1.4.2002 for certain purposes by [S.I. 2002/344](#), [art. 3](#) (with [art. 4](#))

## **PART 2**

### **LOCAL GOVERNMENT ENACTMENTS RELATING TO NCS SERVICE AUTHORITY**

#### *Local Government Act 1972 (c. 70)*

- 22 The Local Government Act 1972 shall be amended as follows.
- 23 In section 94 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5)(b) (receipts of certain allowances not to be treated as a pecuniary interest), the words “or paragraph 17 of Schedule 2 to the Police Act 1997” shall be omitted.
- 24 In section 98, the following shall be omitted—
- (a) in subsection (1A) (application to joint authorities of provisions about members’ interests), the words “and the Service Authority for the National Crime Squad”; and

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- (b) subsection (1B) (powers to remove a disability resulting from members' interests restricted to cases where transaction of business impeded).
- 25 In section 99 (meeting and proceedings of local authorities), the words “, the Service Authority for the National Crime Squad” shall be omitted.
- 26 In section 100J (application to joint authorities etc. of provision relating to access to meetings and documents), the following shall be omitted—
- (a) subsection (1)(ea);
  - (b) in subsection (3), the word “, (ea)”;
  - (c) subsection (3A); and
  - (d) in subsection (4), the words “or the Service Authority for the National Crime Squad”.
- 27 In section 107 (application to police authorities of provisions relating to the discharge of functions by local authorities)—
- (a) in subsection (7), for “(a), (aa) and (b)” there shall be substituted “ (a) and (b) ”; and
  - (b) subsection (8A) shall be omitted.
- 28 In section 146A (application to police authorities of miscellaneous powers of local authorities)—
- (a) in subsection (1)—
    - (i) for “subsections (1A) and (1AA)” there shall be substituted “ subsection (1A) ”; and
    - (ii) for “, the Metropolitan Police Authority and the Service Authority for the National Crime Squad” there shall be substituted “ and the Metropolitan Police Authority ”;
  - (b) in subsection (1A), the words “nor the Service Authority for the National Crime Squad” shall be omitted; and
  - (c) subsection (1AA) shall be omitted.
- 29 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), for “, the Metropolitan Police Authority and the Service Authority for the National Crime Squad” there shall be substituted “ and the Metropolitan Police Authority ”.
- 30 In section 228 (inspection of documents), in subsection (7A), the words “or the Service Authority for the National Crime Squad” shall be omitted.
- 31 The words “and the Service Authority for the National Crime Squad” shall be omitted where they appear—
- (a) in section 229 (photographic copies of documents), in subsection (8);
  - (b) in section 231 (service of notices on local authorities, etc.), in subsection (4);
  - (c) in section 232 (public notices), in subsection (1A);
  - (d) in section 233 (service of notices by local authorities), in subsection (11); and
  - (e) in section 234 (authentication of documents), in subsection (4).
- 32 In Schedule 12 (meetings and proceedings of local authorities), the following shall be omitted—
- (a) in paragraph 6A, the words “or of the Service Authority for the National Crime Squad”;

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- (b) in paragraph 6B—
  - (i) in sub-paragraph (b), the words “or of the Service Authority for the National Crime Squad,”; and
  - (ii) sub-paragraph (c) and the word “and” immediately preceding it;and
- (c) in paragraph 46, the words “and the Service Authority for the National Crime Squad”.

*Local Government Act 1974 (c. 7)*

- 33 In section 25 of the Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1), paragraph (caa) shall be omitted.

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

- 34 In section 30 of the Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), in subsection (3), the words “, and a member of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997 shall be treated as employed by the Service Authority for the National Crime Squad,” shall be omitted.

- 35 In section 44 of that Act (interpretation), in subsection (1)(a) the words “, the Service Authority for the National Crime Squad” shall be omitted.

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

- 36 In section 20 of the Local Government, Planning and Land Act 1980 (interpretation of provisions relating to direct labour organisations), in subsection (1)—

- (a) in paragraph (a)(i) of the definition of “local authority”, the words “, the Service Authority for the National Crime Squad” shall be omitted; and
- (b) in paragraph (aa) of the definition the words “or the Service Authority for the National Crime Squad” shall be omitted.

- 37 In section 99 of that Act (directions to dispose of land), in subsection (4), paragraph (dd) shall be omitted.

- 38 In Schedule 16 to that Act (bodies to whom provisions of Part 10 relating to registration of land apply), paragraph 5D shall be omitted.

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

- 39 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), the words “, the Service Authority for the National Crime Squad” shall be omitted.

- 40 In section 41 of that Act (lost and uncollected property), in subsection (13), in the definition of “local authority” paragraph (cb) shall be omitted.

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*Local Government Act 1986 (c. 10)*

- 41 In section 6 of the Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a), the words “the Service Authority for the National Crime Squad,” shall be omitted.
- 42 In section 9 of that Act (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a), the words “the Service Authority for the National Crime Squad,” shall be omitted.

*Local Government Act 1988 (c. 9)*

- 43 In section 1 of the Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1), paragraph (ea) shall be omitted.
- 44 In Schedule 2 to that Act, in the list of public authorities to which provisions on supply or works contracts apply, the entry for the Service Authority for the National Crime Squad shall be omitted.

*Local Government Finance Act 1988 (c. 41)*

- 45 The Local Government Finance Act 1988 shall be amended as follows.
- 46 In section 111, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration), paragraph (ea) (the Service Authority for the National Crime Squad) shall be omitted.
- 47 In section 112 (financial administration as to certain police and fire authorities), in subsection (2), paragraph (ab) shall be omitted.
- 48 In section 114 (functions of chief finance officer as regards reports), subsection (9) shall be omitted.

*Local Government and Housing Act 1989 (c. 42)*

- 49 The Local Government and Housing Act 1989 shall be amended as follows.
- 50 In section 21, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees, etc.), in paragraph (g), for “, the Metropolitan Police Authority or the Service Authority for the National Crime Squad” there shall be substituted “ or the Metropolitan Police Authority ”.
- 51 In section 39, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply), paragraph (ja) (the Service Authority for the National Crime Squad) shall be omitted.
- 52 In section 67 (application of provisions relating to companies in which local authorities have interests), in subsection (3)(i), the words “or the Service Authority for the National Crime Squad” shall be omitted.
- 53 In section 155 (emergency assistance to local authorities), in subsection (4)—
- (a) <sup>F43</sup> .....
- (b) paragraph (eb) (National Crime Squad) shall be omitted.

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### Textual Amendments

**F43** Sch. 6 para. 53(a) and following word repealed (27.11.2003 for W. (only for the purpose of and in relation to financial years beginning on or after 1st April 2004) and 1.4.2004 for E.) by [Local Government Act 2003 \(c. 26\)](#), ss. 127(2), 128, [Sch. 8 Pt. 1](#); S.I. 2003/3034, [art. 2\(1\)](#), Sch. 1; S.I. 2003/2938, [art. 7\(e\)\(x\)](#) (with transitional provisions and savings in [art. 8](#), Sch.)

54 In section 157 (commutation of, and interest on, periodic payments of grants, etc.), subsection (6)(ga) shall be omitted.

## PART 3

### MISCELLANEOUS OTHER ENACTMENTS

#### *Public Records Act 1958 (c. 51)*

55 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3 the following entries shall be inserted at the appropriate places—

“The Service Authority for the National Crime Squad.”

“The Service Authority for the National Criminal Intelligence Service.”

#### *Parliamentary Commissioner Act 1967 (c. 13)*

56 In Schedule 2 to the Parliamentary Commissioner Act 1968 (departments etc subject to investigation), the following entries shall be inserted at the appropriate places—

“The Service Authority for the National Crime Squad.”

“The Service Authority for the National Criminal Intelligence Service.”

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

57 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(b) for “, any police authority, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad” there shall be substituted “ and any police authority ”.

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

58 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body” the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service” shall be omitted.

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*Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (N.I. 6)*

- 59 In Article 7 of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (employers exempted from insurance), paragraph (ab) shall be omitted.

*House of Commons Disqualification Act 1975 (c. 24)*

- 60 In the House of Commons Disqualification Act 1975, in Part 2 of Schedule 1 (bodies whose members are disqualified), the following entries shall be inserted at the appropriate places—

“The Service Authority for the National Crime Squad.”

“The Service Authority for the National Criminal Intelligence Service.”

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 61 In the Northern Ireland Assembly Disqualification Act 1975, in Part 2 of Schedule 1 (bodies whose members are disqualified), the following entries shall be inserted at the appropriate places—

“The Service Authority for the National Crime Squad.”

“The Service Authority for the National Criminal Intelligence Service.”

*Rent (Agriculture) Act 1976 (c. 80)*

- 62 In section 5 of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to the Crown etc), in subsection (3), in paragraph (baa), the words “, the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service” shall be omitted.

*Rent Act 1977 (c. 42)*

- 63 In section 14 of the Rent Act 1977 (landlord's interest belonging to local authority, etc), paragraph (caaa) shall be omitted.

*Finance Act 1981 (c. 35)*

- 64 In section 107 of the Finance Act 1981 (sale of houses at discount by local authorities etc), in subsection (3), paragraph (ka) shall be omitted.

*Acquisition of Land Act 1981 (c. 67)*

- 65 In section 17 of the Acquisition of Land Act 1981 (compulsory purchase of local authority and statutory undertakers' land), in subsection (4), in the definition (for the purposes of subsection (3)) of “local authority”—

(a) in paragraph (a), the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service” shall be omitted, and



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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

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- (b) in paragraph (b), the words “, the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service” shall be omitted.

*County Courts Act 1984 (c. 28)*

- 66 In section 60 of the County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority), in subsection (3), in the definition of “local authority” the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad” shall be omitted.

*Housing Act 1985 (c. 51)*

- 67 In section 4 of the Housing Act 1985 (interpretation), in paragraph (e), the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad” shall be omitted.

*Housing Associations Act 1985 (c. 69)*

- 68 In section 106 of the Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority” for the words from “, the Metropolitan Police Authority” to the end of the definition there shall be substituted “ and the Metropolitan Police Authority ”.

*Landlord and Tenant Act 1985 (c. 70)*

- 69 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad” shall be omitted.

*Landlord and Tenant Act 1987 (c. 31)*

- 70 In section 58 of the Landlord and Tenant Act 1987, in subsection (1) (definition of “exempt landlord”), in paragraph (a), the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad” shall be omitted.

*Income and Corporation Taxes Act 1988 (c. 1)*

- 71 In section 842A of the Income and Corporation Taxes Act 1988 (meaning of “local authority” in the Tax Acts), in subsection (1)—
- (a) in paragraph (a) the words “or the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad” shall be omitted; and
  - (b) in both paragraphs (b) and (c) the words “or the Service Authority for the National Criminal Intelligence Service” shall be omitted.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

*Local Government Finance Act 1988 (c. 41)*

- 72 In section 64, in subsection (7) (exclusion from Crown exemption of hereditaments of certain authorities), paragraphs (da) and (db) shall be omitted.
- 73 In section 65A (Crown property), in subsection (4)(b) for the words from “, a police authority” to the end there shall be substituted “ or by a police authority established under section 3 of the Police Act 1996. ”

*Housing Act 1988 (c. 50)*

- 74 F44 .....

**Textual Amendments**

**F44** Sch. 6 para. 74 repealed (24.7.2002) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107, 108(3), [Sch. 8](#)

*Town and Country Planning Act 1990 (c. 8)*

- 75 In section 252 of the Town and Country Planning Act 1990 (procedure for making of orders relating to highways), in subsection (12), in the definition of “local authority” the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service” shall be omitted.

*Local Government Finance Act 1992 (c. 14)*

- 76 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3), paragraphs (ca) and (cb) shall be omitted.

*Police Act 1996 (c. 16)*

- 77 (1) Section 62 of the 1996 Act (functions of the Police Negotiating Board with respect to regulations, etc.) shall be amended as follows.
- (2) In subsection (1A), for “section 6, 9(1)(b), 52 or 55(1)(b)” there shall be substituted “ section 9(1)(b) or 55(1)(b) ”.
- (3) After that subsection there shall be inserted—
- “(1B) Before determining the terms and conditions on which a person is to be appointed under section 6 or 52 of the Police Act 1997, the Secretary of State shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendations made by the Board.”
- (4) in subsection (2), for “or (1A)” there shall be substituted “ , (1A) or (1B) ”.

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

- 78 The Housing Grants, Construction and Regeneration Act 1996 shall be amended as follows.

*Status: Point in time view as at 01/01/2006.*

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79 In section 3 (persons ineligible for certain grants), in subsection (2)(g), the words “, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad” shall be omitted.

80 F45 .....

**Textual Amendments**

**F45** Sch. 6 para. 80 repealed (19.7.2003) by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860), arts. 1(3), 15, Sch. 6

SCHEDULE 7

Section 137

REPEALS AND REVOCATIONS

**PART 1**

PROVISIONS FOR COMBATting ALCOHOL-RELATED DISORDER

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Licensing Act 1964 (c. 26).	In section 196A(1), at the end of paragraph (a), the word “and”.

**PART 2**

FINGERPRINTS AND SAMPLES

**Commencement Information**

**I2** Sch. 7 Pt. 2 wholly in force at 1.4.2003; Sch. 7 Pt. 2 not in force at Royal Assent, see s. 138; Sch. 7 Pt. 2 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(g); Sch. 7 Pt. 2 in force for certain purposes at 1.1.2003 by S.I. 2002/3032, art. 2; Sch. 7 Pt. 2 in force in so far as not already in force at 1.4.2003 by S.I. 2003/708, art. 2(m)

(1) REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Criminal Justice Act 1948 (c. 58).	Section 39.
The Criminal Justice Act 1961 (c. 39).	In Schedule 4, the entry relating to section 39 of the Criminal Justice Act 1948.
The Police and Criminal Evidence Act 1984 (c. 60).	Section 27(4A). Section 64(4).
The Criminal Justice and Public Order Act 1994 (c. 33).	Section 57(3).

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

The Crime and Disorder Act 1998 (c. 37). In Schedule 8, paragraph 61.

## (2) REVOCATION

<i>Title and reference</i>	<i>Extent of revocation</i>
The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12)).	Article 64(4).

## PART 3

### POLICE TRAINING

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Police Act 1996 (c. 16).	In section 54(2), the word “and”, in the third place where it occurs.

## PART 4

### POLICE ORGANISATION

#### Commencement Information

- I3** Sch. 7 Pt. 4 wholly in force at 1.4.2002; Sch. 7 Pt. 4 not in force at Royal Assent see s. 138; Sch. 7 Pt. 4 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(h); Sch. 7 Pt. 4 in force for certain purposes at 1.12.2001 and 1.1.2002 by S.I. 2001/3736, arts. 2(g), 3(c); Sch. 7 Pt. 4 in force for certain purposes at 1.4.2002 by S.I. 2002/344, art.3 (with art. 4)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Police Act 1996.	In section 12, subsections (4) to (6). Section 13(2). In Schedule 2— (a) paragraph 10; (b) in paragraph 16(1)(a), the words from “or a term” to “shorter”; and (c) in paragraph 25(1), the words “and allowances”. In Schedule 2A, in paragraph 20— (a) in sub-paragraph (1), the words “and allowances”; and (b) sub-paragraph (2). In Schedule 3— (a) in each of paragraphs 2 and 9(a), the word “10”; and (b) in paragraph 3, in sub-paragraph (1), the words “for a police area listed in Schedule 1”

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*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

The Police Act 1997 (c. 50).	and the words from “or for a term” to “shorter”, and sub-paragraph (1A). In Schedule 2— (a) paragraph 1(b) and the word “or” immediately preceding it; (b) in paragraph 5(a), the words from “or a term” to “shorter”; and (c) in paragraph 17, in sub-paragraph (1) the words “and allowances”, and sub-paragraph (2).
The Greater London Authority Act 1999 (c. 29).	In Schedule 27, paragraph 106(5) and (6).

## PART 5

### NCIS AND NCS

#### Commencement Information

- I4** Sch. 7 Pt. 5 wholly in force at 1.4.2002; Sch. 7 Pt. 5 not in force at Royal Assent see s. 138; Sch. 7 Pt. 5 in force for certain purposes at 1.8.2001 by S.I. 2001/2223, art. 3(1); Sch. 7 Pt. 5 in force at 1.4.2002 in so far as not already in force by S.I. 2002/344, art. 3 (with art. 4)

#### (1) Repeals

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Local Authorities (Goods and Services) Act 1970 (c. 39).	In section 1(4), in the definition of “public body”, the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”.
The Local Government Act 1972 (c. 70).	In section 94(5)(b), the words “or paragraph 17 of Schedule 2 to the Police Act 1997”. In section 98— (a) in subsection (1A) the words “and the Service Authority for the National Crime Squad”; and (b) subsection (1B). In section 99 the words “, the Service Authority for the National Crime Squad”. In section 100J— (a) subsection (1)(ea); (b) in subsection (3) the word “, (ea)”; (c) subsection (3A); and (d) in subsection (4) the words “or the Service Authority for the National Crime Squad”. Section 107(8A).

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*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

<p>The Local Government Act 1974 (c. 7).</p> <p>The Local Government (Miscellaneous Provisions) Act 1976 (c. 57).</p> <p>The Rent (Agriculture) Act 1976 (c. 80).</p> <p>The Rent Act 1977 (c. 42).</p> <p>The Local Government, Planning and Land Act 1980 (c. 65).</p>	<p>In section 146A—</p> <p>(a) in subsection (1A) the words “nor the Service Authority for the National Crime Squad”; and</p> <p>(b) subsection (1AA).</p> <p>In section 228(7A) the words “or the Service Authority for the National Crime Squad”.</p> <p>In section 229(8) the words “and the Service Authority for the National Crime Squad”.</p> <p>In section 231(4) the words “and the Service Authority for the National Crime Squad”.</p> <p>In section 232(1A) the words “and the Service Authority for the National Crime Squad”.</p> <p>In section 233(11) the words “and the Service Authority for the National Crime Squad”.</p> <p>In section 234(4) the words “and the Service Authority for the National Crime Squad”.</p> <p>In Schedule 12—</p> <p>(a) in paragraph 6A the words “, or of the Service Authority for the National Crime Squad”;</p> <p>(b) in paragraph 6B(b) the words “ or of the Service Authority for the National Crime Squad,”;</p> <p>(c) in paragraph 6B, sub-paragraph (c) and the word “and” immediately preceding it; and</p> <p>(d) in paragraph 46 the words “and the Service Authority for the National Crime Squad”.</p> <p>Section 25(1)(caa).</p> <p>In section 30(3) the words “, and a member of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997 shall be treated as employed by the Service Authority for the National Crime Squad,”.</p> <p>In section 44(1)(a) the words “, the Service Authority for the National Crime Squad”.</p> <p>In section 5(3)(baa) the words “, the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service”.</p> <p>Section 14(caaa).</p> <p>In section 20(1)—</p> <p>(a) in paragraph (a)(i) of the definition of “local authority”, the words “, the Service Authority for the National Crime Squad”;</p> <p>and</p>
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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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)*

	(b) in paragraph (aa) of that definition “or the Service Authority for the National Crime Squad”.
	Section 99(4)(dd).
	In Schedule 16, paragraph 5D.
The Finance Act 1981 (c. 35).	Section 107(3)(ka).
The Acquisition of Land Act 1981 (c. 67).	In section 17(4), in the definition (for the purposes of subsection (3)) of “local authority”— (a) in paragraph (a) the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”, and (b) in paragraph (b) the words “, the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service”.
The Local Government (Miscellaneous Provisions) Act 1982 (c. 30).	In section 33(9)(a) the words “, the Service Authority for the National Crime Squad”. In section 41(13), in the definition of “local authority”, paragraph (cb).
The County Courts Act 1984 (c. 28).	In section 60(3), in the definition of “local authority”, the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad.”
The Housing Act 1985 (c. 68).	In section 4(e), the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.
The Landlord and Tenant Act 1985 (c. 70).	In section 38, in the definition of “local authority”, the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.
The Local Government Act 1986 (c. 10).	In section 6(2)(a) the words “the Service Authority for the National Crime Squad,”. In section 9(1)(a) the words “the Service Authority for the National Crime Squad,”.
The Landlord and Tenant Act 1987 (c. 31).	In section 58(1)(a) the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.
The Income and Corporation Taxes Act 1988 (c. 1).	In section 842A(1)— (a) in paragraph (a), the words “or the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”; and

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	(b) in both paragraphs (b) and (c), the words “or the Service Authority for the National Criminal Intelligence Service”.
The Local Government Act 1988 (c. 9).	Section 1(1)(ea). In Schedule 2, the words “The Service Authority for the National Crime Squad.”
The Local Government Finance Act 1988 (c. 41).	Section 64(7)(da) and (db). Section 111(2)(ea). In section 112(2), paragraph (ab). Section 114(9).
The Local Government and Housing Act 1989 (c. 42).	Section 39(1)(ja). In section 67(3)(i) the words “or the Service Authority for the National Crime Squad”. Section 155(4)(eb). Section 157(6)(ga).
The Town and Country Planning Act 1990 (c. 8).	In section 252(12), in the definition of “local authority”, the words “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”.
The Local Government Finance Act 1992 (c. 14).	Section 19(3)(ca) and (cb). Section 32(6A). Section 43(5A).
The Housing Grants, Construction and Regeneration Act 1996 (c. 53).	In section 3(2)(g) the words “, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”. In section 64(7)(e) the words “, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”.
The Police Act 1997 (c. 50).	In section 1(4)— (a) in paragraph (a), the words “(if it is then in existence)”; and (b) the word “and” at the end of paragraph (d). In section 2(6), the words “or under Schedule 3”. In section 3(4), the word “and” at the end of paragraph (c). In section 4(5), the word “and” at the end of paragraph (f). In section 5(3), the word “and” at the end of paragraph (f). In section 6— (a) in subsection (2) the words “after consultation with the Scottish Ministers”;



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(b) in subsection (4)(a) the words “(other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1)”; and

(b) in subsection (4)(b) the words “local authority” and “(as defined in paragraph 14 of that Schedule)”.

Section 7.

Section 9(10).

Section 16(3).

Section 18.

In section 26(2), the word “and” at the end of paragraph (g).

In section 41—

(a) in subsection (1), the word “and” at the end of paragraph (c), and

(b) in subsection (2), the word “and” at the end of paragraph (e).

Section 44.

In section 47(4)(a), the words “(if it is then in existence)”.

In section 48(7), the words “or under Schedule 5”.

In section 49(4), the word “and” at the end of paragraph (b).

In section 50(5), the word “and” at the end of paragraph (d).

In section 51(3), the word “and” at the end of paragraph (d).

In section 52—

(a) in subsection (4)(a) the words “(other than under paragraph 6 of Schedule 1)”; and

(b) in subsection (4)(b) the words “local authority” and “(as defined in paragraph 14 of that Schedule)”.

Section 53.

Section 55(10).

Section 61(3).

Sections 63, 67 and 68.

In section 71(2), the word “and” at the end of paragraph (e).

In section 85—

(a) in subsection (1), the word “and” at the end of paragraph (b), and

(b) in subsection (2), the word “and” at the end of paragraph (b).

Section 137(2)(d).

In Schedule 1—

(a) in paragraph 2(2)(c), the words “local authority”;

(b) in paragraph 2(4), the words “in relation to the NCIS Service Authority”.

(c) paragraph 3(2);

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	(d) in paragraph 4(1), the words “local authority”;
	(e) paragraph 4(2);
	(f) in paragraph 8(1)(e), the words “(being not less than two)” and “local authority”;
	(g) paragraph 8(2);
	(h) in paragraph 9(b), the words “local authority”;
	(j) in paragraph 10(1)(c), the words “(being not less than six)” and “local authority”;
	(k) paragraph 10(2);
	(l) paragraph 12;
	(m) in paragraph 13(a), the words “local authority”; and
	(n) paragraph 14.
	In Schedule 2, paragraph 9.
	Schedules 3, 4 and 5.
	Schedule 6 (other than paragraphs 5(1) and (2), 6(1), (2) and (3)(a) and (c), 7 and 29).
	In Schedule 9, paragraphs 23, 25, 38, 39, 42, 43, 45, 49, 51 to 53, 55, 63, 67 and 68.
The Audit Commission Act 1998 (c. 18).	In section 17(7), paragraph (g) and the word “and” immediately preceding it. In section 32(2), paragraph (b) and the word “or” immediately preceding it. In Schedule 2, paragraph 1(1). In Schedule 3, paragraph 33.
The Greater London Authority Act 1999 (c. 29).	Section 86(3). Section 104(3)(b). In Schedule 27, paragraphs 28(2), 29, 63, 110, 111, 113(3), 114 and 115.
The Police (Northern Ireland) Act 2000 (c. 32).	In Schedule 6, in paragraph 20(7), the words “(7)(b) and”.

## (2) Revocations

<i>Title and reference</i>	<i>Extent of revocation</i>
The Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order (S.I. 1972 963 (N.I. 6)).	Article 7(ab).
The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747).	In Schedule 18, paragraph 2(6), (7), (15)(a), (25), (27) and (28)(b).

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## PART 6

### MISCELLANEOUS

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#### Commencement Information

**I5** Sch. 7 Pt. 6 partly in force; Sch. 7 Pt. 6 not in force at Royal Assent see s. 138; Sch. 7 Pt. 6 in force for certain purposes at 1.8.2001 by S.I. 2001/2223, art. 3(m)

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#### *Short title and chapter*

The Bail Act 1976 (c. 63).

The Criminal Justice Act 1988 (c. 33).

#### *Extent of repeal*

In Schedule 1, paragraph 9A.

Section 153.

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**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

Criminal Justice and Police Act 2001 is up to date with all changes known to be in force on or before 14 June 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.