

Status: Point in time view as at 31/08/2006.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 101

TRANSPORT POLICE AND MOD POLICE: FURTHER PROVISIONS

Police (Scotland) Act 1967 (c. 77)

- 1 The Police (Scotland) Act 1967 has effect subject to the following amendments.
- 2 (1) Section 11 (aid of one police force by another) is amended as follows.
- (2) In subsection (2), for “Secretary of State” substitute “ appropriate Minister or Ministers ” and after “he” insert “ or they ”.
- (3) In subsection (4), for “Secretary of State” substitute “ appropriate Ministers ”.
- (4) After that subsection insert—
- “(5) This section shall apply in relation to the Strategic Rail Authority and the British Transport Police Force as it applies to a police authority and a police force respectively.
- (6) In subsection (2) “appropriate Minister or Ministers” means—
- (a) in relation to a direction given to the Chief Constable of the British Transport Police Force, the Secretary of State, and
- (b) in any other case, the Scottish Ministers.
- (7) In subsection (4) “appropriate Ministers” means—
- (a) where the police authorities concerned include the Strategic Rail Authority, the Scottish Ministers and the Secretary of State, acting jointly, and
- (b) in any other case, the Scottish Ministers.”
- 3 (1) Section 12 (collaboration agreements) is amended as follows.
- (2) In subsection (3), for “Secretary of State” substitute “ Scottish Ministers ”.
- (3) For subsection (5) substitute—
- “(5) If it appears to the Scottish Ministers that an agreement should be made for the purposes specified in subsection (1), (2) or (4) of this section, they may, after considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.
- (6) For the purposes of this section—
- (a) the British Transport Police Force shall be treated as if it were a police force;
- (b) “police functions” shall include the functions of the British Transport Police Force;

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(c) the British Transport Police Committee shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1) and (2) of this section and the Strategic Rail Authority shall be so treated for the purposes of subsection (3) of this section; and

(d) “police area”, in relation to the British Transport Police Force and the British Transport Police Committee, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4) of the British Transport Commission Act 1949 (c. xxix).

(7) In relation to agreements relating to the British Transport Police Force, any determination under subsection (3) shall be made, and any directions under subsection (5) shall be given, by the Scottish Ministers and the Secretary of State, acting jointly.”

4 (1) Section 17 (general functions and jurisdiction of constables) is amended as follows.

(2) After subsection (4) insert—

“(4A) A member of the British Transport Police Force who is for the time being required by virtue of section 11 or 12 of this Act to serve with a police force shall—

- (a) have all the powers and privileges of a constable of that police force, and
- (b) be subject to the direction of the chief constable of that force.”

(3) In subsection (7)(a), after “first-mentioned force” insert “ or, if he is serving with the British Transport Police Force, the Chief Constable of that Force ”.

5 (1) Section 42 (causing disaffection) is amended as follows.

(2) In subsection (1), after “force” insert “ or of the British Transport Police Force ”.

(3) In subsection (2), after “constable” insert “ or a member of the British Transport Police Force ”.

6 F1

Textual Amendments

F1 Sch. 7 para. 6 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 118, 120, Sch. 5 para. 3, Sch. 8; S.I. 2004/1572, art. 3(jj)(kkk)

7 In section 51 (interpretation), after the definition of “amalgamation scheme” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix) ;”.

Firearms Act 1968 (c. 27)

8 The Firearms Act 1968 has effect subject to the following amendments.

9 In section 54 (Crown servants etc.), after subsection (3) insert—

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“(3A) An appropriately authorised person who is either a member of the British Transport Police Force or an associated civilian employee does not commit any offence under this Act by reason of having in his possession, or purchasing or acquiring, for use by that Force anything which is—

- (a) a prohibited weapon by virtue of paragraph (b) of section 5(1) of this Act; or
- (b) ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in that paragraph.

(3B) In subsection (3A) of this section—

- (a) “appropriately authorised” means authorised in writing by the Chief Constable of the British Transport Police Force or, if he is not available, by a member of that Force who is of at least the rank of assistant chief constable; and
- (b) “associated civilian employee” means a person employed by the Strategic Rail Authority who is under the direction and control of the Chief Constable of the British Transport Police Force.”

10 In section 57(4), after the definition of “Article 7 authority” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949;”.

Police and Criminal Evidence Act 1984 (c. 60)

11 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.

12 In section 35 (designated police stations), after subsection (2) insert—

“(2A) The Chief Constable of the British Transport Police Force may designate police stations which (in addition to those designated under subsection (1) above) may be used for the purpose of detaining arrested persons.”

13 (1) Section 36 (custody officers at designated police stations) is amended as follows.

(2) In subsection (2), for “a designated police station” substitute “ a police station designated under section 35(1) above ”.

(3) After that subsection insert—

“(2A) A custody officer for a police station designated under section 35(2A) above shall be appointed—

- (a) by the Chief Constable of the British Transport Police Force; or
- (b) by such other member of that Force as that Chief Constable may direct.”

14 In section 118(1), after the definition of “arrestable offence” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”.

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

15 The Criminal Justice and Public Order Act 1994 has effect subject to the following amendments.

16 (1) Section 60 (powers to stop and search) is amended as follows.

(2) After subsection (9) insert—

“(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.”

(3) In subsection (11)—

(a) before the definition of “dangerous instruments” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949;”,

and

(b) after the definition of “offensive weapon” insert—

““policed premises”, in relation to England and Wales, has the meaning given by section 53(3) of the British Transport Commission Act 1949 and, in relation to Scotland, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4)(a) of that Act (as it relates to Scotland);”.

17 In section 136(1) and (2) (cross-border enforcement: execution of warrants), after “country of execution” insert “, or by a constable appointed under section 53 of the British Transport Commission Act 1949;”.

18 In section 137 (cross-border powers of arrest), after subsection (2) insert—

“(2A) The powers conferred by subsections (1) and (2) may be exercised in England and Wales and Scotland by a constable appointed under section 53 of the British Transport Commission Act 1949.”

19 In section 140 (reciprocal powers of arrest), after subsection (6) insert—

“(6A) The references in subsections (1) and (2) to a constable of a police force in Scotland, and the references in subsections (3) and (4) to a constable of a police force in England and Wales, include a constable appointed under section 53 of the British Transport Commission Act 1949 (c. xxix).”

Police Act 1996 (c. 16)

20 The Police Act 1996 has effect subject to the following amendments.

21 In section 23 (collaboration agreements between police forces), after subsection (7) insert—

“(7A) For the purposes of this section—

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- (a) the British Transport Police Force shall be treated as if it were a police force,
- (b) the Chief Constable of that Force shall be treated as if he were the chief officer of police of that Force,
- (c) “police functions” shall include the functions of the British Transport Police Force, and
- (d) the British Transport Police Committee shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2) and (7) and the Strategic Rail Authority shall be so treated for the purposes of subsection (3).”

22 In section 24 (aid of one police force by another), after subsection (4) insert—

“(4A) This section shall apply in relation to the Strategic Rail Authority, the British Transport Police Force and the Chief Constable of that Force as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to section 10(1) shall be construed, in a case where constables are provided by that Chief Constable, as including a reference to the scheme made under section 132 of the Railways Act 1993 (c. 43).”

23 In section 25 (provision of special services), after subsection (1) insert—

“(1A) The Chief Constable of the British Transport Police Force may provide special police services at the request of any person, subject to the payment to the Strategic Rail Authority of charges on such scales as may be determined by that Authority.”

24 In section 30 (jurisdiction of constables), after subsection (3) insert—

“(3A) A member of the British Transport Police Force who is for the time being required by virtue of section 23 or 24 to serve with a police force maintained by a police authority shall have all the powers and privileges of a member of that police force.”

25 F2

Textual Amendments

F2 Sch. 7 para. 25 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 118, 120, Sch. 5 para. 3, Sch. 8; S.I. 2004/1572, art. 3(jj)(kkk)

26 F3

Textual Amendments

F3 Sch. 7 para. 26 repealed (1.4.2005) by Energy Act 2004 (c. 20), ss. 197, 198(2), Sch. 23 Pt. 1; S.I. 2005/877, art. 2(1), Sch. 1 Table

27 In section 101(1), before the definition of “chief officer of police” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”

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- 28 In section 105(2) (extent), after the entry relating to section 21 insert “section 25(1A);”.

Terrorism Act 2000 (c. 11)

- 29 The Terrorism Act 2000 has effect subject to the following amendments.
- 30 (1) Section 34 (power of superintendent for police area to designate cordoned area in the police area) is amended as follows.
- (2) In subsection (1), for “subsection (2)” substitute “ subsections (1A), (1B) and (2) ”.
- (3) After that subsection insert—
- “(1A) A designation under section 33 may be made in relation to an area (outside Northern Ireland) which is in, on or in the vicinity of any policed premises by a member of the British Transport Police Force who is of at least the rank of superintendent.
- (1B) A designation under section 33 may be made by a member of the Ministry of Defence Police who is of at least the rank of superintendent in relation to an area outside or in Northern Ireland—
- (a) if it is a place to which subsection (2) of section 2 of the Ministry of Defence Police Act 1987 (c. 4) applies,
- (b) if a request has been made under paragraph (a), (b) or (d) of subsection (3A) of that section in relation to a terrorist investigation and it is a place where he has the powers and privileges of a constable by virtue of that subsection as a result of the request, or
- (c) if a request has been made under paragraph (c) of that subsection in relation to a terrorist investigation and it is a place in, on or in the vicinity of policed premises.
- (1C) But a designation under section 33 may not be made by—
- (a) a member of the British Transport Police Force, or
- (b) a member of the Ministry of Defence Police,
- in any other case.”
- 31 In section 44 (power to authorise stopping and searching), after subsection (4) insert—
- “(4A) In a case (within subsection (4)(a), (b) or (c)) in which the specified area or place is in, on or in the vicinity of policed premises, an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief constable.
- (4B) In a case in which the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, an authorisation may also be given by a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable.
- (4C) But an authorisation may not be given by—
- (a) a member of the British Transport Police Force, or
- (b) a member of the Ministry of Defence Police,
- in any other case.”

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