

Status: Point in time view as at 01/01/2006.

Changes to legislation: Police Reform Act 2002, SCHEDULE 7 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 107

MINOR AND CONSEQUENTIAL AMENDMENTS

Police (Scotland) Act 1967

- 1 (1) In subsection (1) of section 38A of the Police (Scotland) Act 1967 (c. 77) (police officers engaged on service outside their force), after paragraph (aa) there shall be inserted—
- “(ab) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) (service with the Independent Police Complaints Commission);”.
- (2) In subsection (6)(a) of that section, after “paragraph (a),” there shall be inserted “(aa),”.

Superannuation Act 1972

- 2 (1) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which that Act applies), at the appropriate place in the entries under the heading “Royal Commissions and other Commissions”, there shall be inserted—
- “Independent Police Complaints Commission.”
- (2) In that Schedule, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.” shall be omitted.

Juries Act 1974

- 3 In Part 1 of Schedule 1 to the Juries Act 1974 (c. 23) (ineligibility for jury service), in Group B, after the entry relating to the Criminal Cases Review Commission there shall be inserted—
- “Chairman and members of the Independent Police Complaints Commission and any member of its staff who is not otherwise ineligible.”

Rehabilitation of Offenders Act 1974

- 4 In section 7(2)(bb) of the Rehabilitation of Offenders Act 1974 (c. 53) (limitations on rehabilitations under Act etc.), for “a sex offender order under section 2 or, as the case may be, 20” there shall be substituted “an order under section 2, 2A or 20”.

House of Commons Disqualification Act 1975

- 5 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified)—

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- (a) at the appropriate place, there shall be inserted—
 - “The Independent Police Complaints Commission.
 - ;
 - and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

Northern Ireland Assembly Disqualification Act 1975

- 6 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified)—
- (a) at the appropriate place, there shall be inserted—
 - “The Independent Police Complaints Commission.
 - ;
 - and”
 - (b) the words “The Police Complaints Authority.” shall be omitted.

The Police Pensions Act 1976

- 7 (1) Section 11 of the Police Pensions Act 1976 (c. 35) (interpretation) shall be amended as follows.
- (2) In subsection (2) (meaning of “police authority” in relation to pensions)—
- (a) in paragraph (b), for “(c)”, in the second place where it occurs, there shall be substituted “(ba)”;
 - (b) after paragraph (b) there shall be inserted—
 - “(ba) in relation to service of the kind described in section 97(1)(aa) of the Police Act 1996 (c. 16) or section 38A(1)(aa) of the Police (Scotland) Act 1967 (c. 77), it means the Independent Police Complaints Commission;”
 - (c) in paragraph (c), for “subsection (ba) or (bc) above” there shall be substituted “paragraph (ba) or (bc) of subsection (1)”;
 - (d) in paragraph (d), for “subsection (bb) or (bd) above” there shall be substituted “paragraph (bb) or (bd) of subsection (1)”;
 - (e) in paragraph (da), for “subsection (be)” there shall be substituted “subsection (1)(be)”.
- (3) In subsection (5) of that section, in the definition of “central service”, in each of paragraphs (a) and (b), after “paragraph” there shall be inserted “(aa),”.
- (4) After that subsection, there shall be inserted—
- “(6) References in this Act to the Director General of the National Criminal Intelligence Service and to his service have effect only in relation to cases in which the person in question was a serving police officer for the purposes of section 6 of the Police Act 1997 (c. 50) immediately before his appointment to that office took effect.”

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Commencement Information

- II** Sch. 7 para. 7 wholly in force at 1.4.2004; Sch. 7 para. 7 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 7(4) in force at 1.10.2002 by S.I. 2002/2306, art. 2(g)(ii); Sch. 7 para. 7(1)-(3) in force at 1.4.2004 by S.I. 2004/913, art. 2(e)

Rehabilitation of Offenders (Northern Ireland) Order 1978

- 8 In Article 8(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/ 1908 (N.I. 27)) (limitations on rehabilitation under Order etc.), after subparagraph (b) there shall be inserted—
- “(bb) in any proceedings on an application for an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)) or in any appeal against the making of such an order;”.

The 1984 Act

- 9 (1) In section 18(5) of the 1984 Act (power of constable to conduct search of an arrested person’s premises before taking him to a police station), for “taking the person” there shall be substituted “ the person is taken ”.
- (2) In section 54A(6) of that Act (persons entitled to carry out search or examination or to take photographs), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (3) In section 61 of that Act (fingerprinting), before subsection (9) there shall be inserted—
- “(8B) The power to take the fingerprints of a person detained at a police station without the appropriate consent shall be exercisable by any constable.”
- (4) In section 63 of that Act (non-intimate samples), after subsection (9) there shall be inserted—
- “(9ZA) The power to take a non-intimate sample from a person without the appropriate consent shall be exercisable by any constable.”
- (5) In section 64A(3) of that Act (persons entitled to photograph detainees), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (6) In subsection (7B) of section 67 of that Act (limited effect of modification of code of practice), in paragraph (c) for “order” there shall be substituted “ code ”.
- (7) After subsection (9) of that section there shall be inserted—
- “(9A) Persons on whom powers are conferred by—
- (a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), or
- (b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),

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shall have regard to any relevant provision of a code of practice to which this section applies in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation.”

(8) In subsection (10) of that section (failure to comply with codes not to render a person liable to civil or criminal proceedings), after paragraph (b) there shall be inserted “, or

(c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of such a code in the exercise or performance of the powers and duties conferred or imposed on him by that designation or accreditation,”.

(9) In section 118, at the beginning of subsection (2) (meaning of persons in police detention) there shall be inserted “ Subject to subsection (2A) ”; and after that subsection there shall be inserted—

“(2A) Where a person is in another’s lawful custody by virtue of paragraph 22, 34(1) or 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention.”

Prosecution of Offences Act 1985

10 In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), after paragraph (b) there shall be inserted—

“(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police Reform Act 2002 (c. 30) (reports on investigations into conduct of persons serving with the police);”.

Road Traffic Act 1988

11 (1) Section 103 of the Road Traffic Act 1988 (c. 52) (obtaining licence, or driving, while disqualified) shall be amended as follows.

(2) Subsection (3) shall cease to have effect.

(3) In subsection (4), for “Subsections (1) and (3) above do” there shall be substituted “ Subsection (1) above does ”.

(4) In subsection (5), for “Subsections (1)(b) and (3) above do” there shall be substituted “ Subsection (1)(b) above does ”.

(5) In subsection (6), for “subsections (1) and (3)” there shall be substituted “ subsection (1) ”.

12 In section 183(1) of the Road Traffic Act 1988 (application to the Crown), in paragraph (c), the words “, except section 103(3)” shall be omitted.

Aviation and Maritime Security Act 1990

13 In section 22(4) of the Aviation and Maritime Security Act 1990 (c. 31) (persons entitled to exercise certain powers in relation to private dwelling), in paragraph (b) (i), for the words from “Police Complaints Authority” to the end of the sub-

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paragraph there shall be substituted “ Independent Police Complaints Commission under section 26 of the Police Reform Act 2002 (c. 30); or ”.

The 1996 Act

- 14 In section 8 of the 1996 Act (local policing plans), after subsection (4) there shall be inserted—
- “(4A) It shall be the duty of a police authority and of a chief constable, in preparing, issuing or submitting any plan or draft plan under this section, to have regard to any general guidance given by the Secretary of State with respect to local policing plans and the drafts of such plans.
- (4B) Before giving any guidance under subsection (4A), the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.”
- 15 In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), before subsection (3) there shall be inserted—
- “(2D) It shall be the duty of the chief inspector of constabulary—
- (a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and
 - (b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions.”
- 16 (1) Section 62 of that Act (consultation on terms and conditions for certain appointments) shall be amended as follows.
- (2) In subsection (1B), the words “6 or” shall be omitted.
- (3) After that subsection, there shall be inserted—
- “(1C) Before determining the terms and conditions on which the Director General of the National Criminal Intelligence Service is to be appointed, the Secretary of State shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which would, if the person appointed were to be a serving police officer, relate to any of the matters mentioned in section 61(1) (other than pensions), and
 - (b) take into consideration any recommendations made by the Board; and in this subsection “serving police officer” has the same meaning as in section 6 of the Police Act 1997 (c. 50).”

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- 17 In section 63(3) of that Act (consultation with Police Advisory Board for England and Wales before exercise of certain powers), after paragraph (c) there shall be inserted “, or
 (d) regulations under Part 2 of the Police Reform Act 2002 (c. 30) ”.
- 18 In section 87 of that Act (guidance concerning disciplinary proceedings), for subsection (2) there shall be substituted—
 “(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 in relation to disciplinary proceedings.
 (2) Nothing in this section shall authorise the issuing of any guidance about a particular case.
 (3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.
 (4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.
 (5) In this section “disciplinary proceedings” means any proceedings under any regulations under section 50 that are identified as disciplinary proceedings by those regulations.”
- 19 (1) In subsection (1) of section 97 of that Act (police officers engaged on service outside their force), after paragraph (a) there shall be inserted—
 “(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) ”.
- (2) In subsection (6)(a) of that section, after “paragraph (a),” there shall be inserted “ (aa), ”.
- (3) In subsection (8) of that section, after “paragraph” there shall be inserted “ (aa), ”.

Justices of the Peace Act 1997

20 ^{F1}

Textual Amendments

F1 Sch. 7 para. 20 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

The 1997 Act

- 21 (1) In section 46 of the 1997 Act (interpretation of Part 1), before the definition of “financial year” there shall be inserted—

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

- (2) In section 52 of the 1997 Act (appointment of Director General of NCS), after subsection (5) there shall be inserted—

“(5A) The Director General shall not be attested as a constable under subsection (5) if he had already been attested as a constable in England and Wales, and still held that office, immediately before his appointment took effect.”

- (3) In section 90 of the 1997 Act (interpretation of Part 2), before the definition of “financial year” there shall be inserted—

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

Commencement Information

- I2** Sch. 7 para. 21 wholly in force at 23.12.2004; Sch. 7 para. 21 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 21(1)(2) in force at 1.10.2002 by S.I. 2002/2306, art. 2(g)(ii); Sch. 7 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, art. 3(b)

Police (Northern Ireland) Act 1998

- 22 (1) In subsection (1) of section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (police officers engaged on service outside the Police Service of Northern Ireland), after paragraph (a) there shall be inserted—

“(aa) temporary service on which a member of the police force is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);”.

- (2) In subsection (5)(b) of that section, for “subsection (1)(b)” there shall be substituted “subsection (1)(aa), (b)”.

Freedom of Information Act 2000

- 23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies for the purposes of that Act)—

- (a) at the appropriate place, there shall be inserted—

“The Independent Police Complaints Commission.

;

and”

- (b) the words “The Police Complaints Authority.” shall be omitted.

Criminal Justice and Police Act 2001

- 24 In section 88(7) of the Criminal Justice and Police Act 2001 (c. 16) (power of the Central Police Training and Development Authority to provide training for persons

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other than persons serving or employed for policing purposes in England and Wales),
after paragraph (a) there shall be inserted—

“(aa) members of the staff of the Independent Police Complaints Commission;”.

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