

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 August 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 1

Section 12

#### AMENDMENTS RELATED TO PART 1

##### *The 1984 Act*

- 1 The 1984 Act is amended as follows.
- 2 In section 18 (entry and search after arrest), for subsection (5) there is substituted—
  - “(5) A constable may conduct a search under subsection (1)—
    - (a) before the person is taken to a police station or released on bail under section 30A, and
    - (b) without obtaining an authorisation under subsection (4),if the condition in subsection (5A) is satisfied.
  - (5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.”
- 3 In section 21 (access and copying), at the end there is inserted—
  - “(9) The references to a constable in subsections (1), (2), (3)(a) and (5) include a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 4 In section 22 (retention), at the end there is inserted—
  - “(7) The reference in subsection (1) to anything seized by a constable includes anything seized by a person authorised under section 16(2) to accompany a constable executing a warrant.”
- 5 In section 34 (limitation on police detention), for subsection (7) there is substituted—
  - “(7) For the purposes of this Part a person who—
    - (a) attends a police station to answer to bail granted under section 30A,
    - (b) returns to a police station to answer to bail granted under this Part, or
    - (c) is arrested under section 30D or 46A,is to be treated as arrested for an offence and that offence is the offence in connection with which he was granted bail.”
- 6 In section 35(1) (designated police stations), for “section 30(3) and (5) above” there is substituted “sections 30(3) and (5), 30A(5) and 30D(2)”.
- 7 In section 36 (custody officers at police stations), after subsection (7) there is inserted—

*Status: Point in time view as at 01/10/2009.*

**Changes to legislation:** *Criminal Justice Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 August 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)*

“(7A) Subject to subsection (7B), subsection (7) applies where a person attends a police station which is not a designated station to answer to bail granted under section 30A as it applies where a person is taken to such a station.

(7B) Where subsection (7) applies because of subsection (7A), the reference in subsection (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail.”

8 In section 41(2) (calculation of periods of time), after paragraph (c) there is inserted—

“(ca) in the case of a person who attends a police station to answer to bail granted under section 30A, the time when he arrives at the police station;”.

9 In section 45A(2)(a) (functions which may be performed by video-conferencing), after “taken to” there is inserted “, or answering to bail at, ”.

10 In section 47 (bail after arrest)—

- (a) in subsection (6), after “granted bail” there is inserted “ under this Part ”, and
- (b) in subsection (7), after “released on bail” there is inserted “ under this Part ”.

*Criminal Justice Act 1987 (c. 38)*

11 In section 2 of the Criminal Justice Act 1987 (director’s investigation powers), after subsection (6) there is inserted—

“(6A) Where an appropriate person accompanies a constable, he may exercise the powers conferred by subsection (5) but only in the company, and under the supervision, of the constable.”

12 In subsection (7) of that section (meaning of appropriate person), for “subsection (6) above” there is substituted “ this section ”.

13 In subsection (8D) of that section (references to evidence obtained by Director), after “by a constable” there is inserted “ or by an appropriate person ”.

*Criminal Justice and Police Act 2001 (c. 16)*

14 In section 56 of the Criminal Justice and Police Act 2001 (property seized by constables etc.), after subsection (4) there is inserted—

“(4A) Subsection (1)(a) includes property seized on any premises—

- (a) by a person authorised under section 16(2) of the 1984 Act to accompany a constable executing a warrant, or
- (b) by a person accompanying a constable under section 2(6) of the Criminal Justice Act 1987 in the execution of a warrant under section 2(4) of that Act.”

*Armed Forces Act 2001 (c. 19)*

15 F1 .....

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** Sch. 1 para. 15 repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(2), 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

### *Police Reform Act 2002 (c. 30)*

- 16 Schedule 4 to the Police Reform Act 2002 (powers exercisable by police civilians) is amended as follows.
- 17 In paragraph 17 (access to excluded and special procedure material) after paragraph (b) there is inserted—
- “(bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
  - (bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) in respect of premises in the relevant police area as if references in that section to a constable included references to that person;”.
- 18 In paragraph 20 (access and copying in case of things seized by constables) after “by a constable” there is inserted “ or by a person authorised to accompany him under section 16(2) of that Act ”.
- 19 After paragraph 24 (extended powers of seizure) there is inserted—

### **“Persons accompanying investigating officers**

- 24A(1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.
- (2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
  - (3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.
  - (4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
  - (5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—

---

*Status: Point in time view as at 01/10/2009.*

**Changes to legislation:** *Criminal Justice Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 August 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)*

---

- (a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and
  - (b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.
- (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.”
- 20 In paragraph 34 (powers of escort officer to take arrested person to prison), in sub-paragraph (1)(a), for “subsection (1) of section 30” there is substituted “subsection (1A) of section 30 ”.

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

Criminal Justice Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 August 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.