



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Powers of arrest*

#### 110 Powers of arrest

(1) For section 24 of PACE (arrest without warrant for arrestable offences) substitute—

##### **“24 Arrest without warrant: constables**

- (1) A constable may arrest without a warrant—
  - (a) anyone who is about to commit an offence;
  - (b) anyone who is in the act of committing an offence;
  - (c) anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
  - (d) anyone whom he has reasonable grounds for suspecting to be committing an offence.
- (2) If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.
- (3) If an offence has been committed, a constable may arrest without a warrant—
  - (a) anyone who is guilty of the offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

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- (4) But the power of summary arrest conferred by subsection (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in subsection (5) it is necessary to arrest the person in question.
- (5) The reasons are—
- (a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);
  - (b) correspondingly as regards the person's address;
  - (c) to prevent the person in question—
    - (i) causing physical injury to himself or any other person;
    - (ii) suffering physical injury;
    - (iii) causing loss of or damage to property;
    - (iv) committing an offence against public decency (subject to subsection (6)); or
    - (v) causing an unlawful obstruction of the highway;
  - (d) to protect a child or other vulnerable person from the person in question;
  - (e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;
  - (f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.
- (6) Subsection (5)(c)(iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.

#### **24A Arrest without warrant: other persons**

- (1) A person other than a constable may arrest without a warrant—
- (a) anyone who is in the act of committing an indictable offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.
- (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant—
- (a) anyone who is guilty of the offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.
- (3) But the power of summary arrest conferred by subsection (1) or (2) is exercisable only if—
- (a) the person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question; and
  - (b) it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.
- (4) The reasons are to prevent the person in question—

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- (a) causing physical injury to himself or any other person;
  - (b) suffering physical injury;
  - (c) causing loss of or damage to property; or
  - (d) making off before a constable can assume responsibility for him.”
- (2) Section 25 of PACE (general arrest conditions) shall cease to have effect.
- (3) In section 66 of PACE (codes of practice), in subsection (1)(a)—
- (a) omit “or” at the end of sub-paragraph (i),
  - (b) at the end of sub-paragraph (ii) insert “or  
(iii) to arrest a person;”
- (4) The sections 24 and 24A of PACE substituted by subsection (1) are to have effect in relation to any offence whenever committed.

#### Commencement Information

**II** S. 110 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

### 111 Powers of arrest: supplementary

Schedule 7, which supplements section 110 by providing for the repeal of certain enactments (including some which are spent) and by making further supplementary provision, has effect.

#### Commencement Information

**I2** S. 111 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

#### *Exclusion zones*

### 112 Power to direct a person to leave a place

- (1) A constable may direct a person to leave a place if he believes, on reasonable grounds, that the person is in the place at a time when he would be prohibited from entering it by virtue of—
- (a) an order to which subsection (2) applies, or
  - (b) a condition to which subsection (3) applies.
- (2) This subsection applies to an order which—
- (a) was made, by virtue of any enactment, following the person's conviction of an offence, and
  - (b) prohibits the person from entering the place or from doing so during a period specified in the order.
- (3) This subsection applies to a condition which—
- (a) was imposed, by virtue of any enactment, as a condition of the person's release from a prison in which he was serving a sentence of imprisonment following his conviction of an offence, and

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- (b) prohibits the person from entering the place or from doing so during a period specified in the condition.
- (4) A direction under this section may be given orally.
- (5) Any person who knowingly contravenes a direction given to him under this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 4 on the standard scale, or to both.
- <sup>F1</sup>(6) .....
- <sup>F2</sup>(7) .....
- (8) In subsection (3)(a)—
- (a) “sentence of imprisonment” and “prison” are to be construed in accordance with section 62(5) of the Criminal Justice and Court Services Act 2000 (c. 43);
- (b) the reference to a release from prison includes a reference to a temporary release.
- (9) In this section, “place” includes an area.
- (10) This section applies whether or not the order or condition mentioned in subsection (1) was made or imposed before or after the commencement of this section.

#### Textual Amendments

- F1** S. 112(6) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), art. 2(1)(t)(u)(lxi)
- F2** S. 112(7) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), art. 2(1)(t)(u)(lxi)

#### Commencement Information

- I3** S. 112 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(e\)](#)

### Search warrants

#### 113 Search warrants: premises

- (1) PACE is amended as follows.
- (2) Section 8 (power to authorise entry and search of premises) is amended as provided in subsections (3) and (4).
- (3) In subsection (1)—
- (a) in paragraph (b), for “specified in the application” substitute “ mentioned in subsection (1A) below ”,
- (b) in paragraph (e), at the end add “ in relation to each set of premises specified in the application ”.
- (4) After subsection (1) insert—
- “(1A) The premises referred to in subsection (1)(b) above are—
- (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”); or

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- (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
- (a) that because of the particulars of the offence referred to in paragraph (a) of subsection (1) above, there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in paragraph (b) of that subsection; and
  - (b) that it is not reasonably practicable to specify in the application all the premises which he occupies or controls and which might need to be searched.”
- (5) Section 15 (search warrants—safeguards) is amended as provided in subsections (6) to (8).
- (6) For subsection (2)(b) substitute—
- “(b) to specify the matters set out in subsection (2A) below; and”.
- (7) After subsection (2) insert—
- “(2A) The matters which must be specified pursuant to subsection (2)(b) above are—
- (a) if the application is for a specific premises warrant made by virtue of section 8(1A)(a) above or paragraph 12 of Schedule 1 below, each set of premises which it is desired to enter and search;
  - (b) if the application is for an all premises warrant made by virtue of section 8(1A)(b) above or paragraph 12 of Schedule 1 below—
    - (i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;
    - (ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;
    - (iii) why it is necessary to search more premises than those specified under sub-paragraph (i); and
    - (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.”
- (8) For subsection (6)(a)(iv) substitute—
- “(iv) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under his occupation or control which can be specified and which are to be searched; and”.
- (9) In section 16 (execution of warrants)—
- (a) after subsection (3) insert—
- “(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless a police officer of at least the rank of inspector has in writing authorised them to be entered.”,

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- (b) in subsection (9), after paragraph (b) add— “ and, unless the warrant is a specific premises warrant specifying one set of premises only, he shall do so separately in respect of each set of premises entered and searched, which he shall in each case state in the endorsement. ”,
  - (c) in subsection (12), for “the premises” substitute “ premises ”.
- (10) Schedule 1 (special procedure) is amended as follows.
- (11) In each of paragraphs 2(a)(ii) and 3(a), at the end add “ , or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify); ”.
- (12) In paragraph 3(b), for “the premises” substitute “ such premises ”.
- (13) In paragraph 12—
- (a) in sub-paragraph (a)(ii), after “fulfilled” insert “ in relation to each set of premises specified in the application ”,
  - (b) at the end add “ or (as the case may be) all premises occupied or controlled by the person referred to in paragraph 2(a)(ii) or 3(a), including such sets of premises as are specified in the application (an “all premises warrant”) ”.
- (14) After paragraph 12 insert—
- “12A The judge may not issue an all premises warrant unless he is satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question; and
  - (b) that it is not reasonably practicable to specify all the premises which he occupies or controls which might need to be searched.”
- (15) In paragraph 14(a), omit “to which the application relates”.

#### Commencement Information

**I4** S. 113 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(n)

## 114 Search warrants: other amendments

- (1) PACE is amended as follows.
- (2) In section 8 (power to authorise entry and search of premises), after the subsection (1B) inserted by section 113(4) of this Act insert—
- “(1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which he issues the warrant.
- (1D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.”

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- (3) Section 15 (search warrants—safeguards) is amended as provided in subsections (4) to (7).
- (4) In subsection (2)(a)—
- (a) omit “and” at the end of sub-paragraph (i),
  - (b) at the end of sub-paragraph (ii) insert “ and ”,
  - (c) after that sub-paragraph insert—
    - “(iii) if the application is for a warrant authorising entry and search on more than one occasion, the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;”.
- (5) In subsection (5), at the end add “ unless it specifies that it authorises multiple entries ”.
- (6) After subsection (5) insert—
- “(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.”
- (7) For subsection (7) substitute—
- “(7) Two copies shall be made of a specific premises warrant (see section 8(1A) (a) above) which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.”
- (8) In section 16 (execution of warrants)—
- (a) in subsection (3), for “one month” substitute “ three months ”,
  - (b) after the subsection (3A) inserted by section 113(9)(a) of this Act, insert—
    - “(3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless a police officer of at least the rank of inspector has in writing authorised that entry to those premises.”,
  - (c) for subsection (10) substitute—
    - “(10) A warrant shall be returned to the appropriate person mentioned in subsection (10A) below—
      - (a) when it has been executed; or
      - (b) in the case of a specific premises warrant which has not been executed, or an all premises warrant, or any warrant authorising multiple entries, upon the expiry of the period of three months referred to in subsection (3) above or sooner.
- (10A) The appropriate person is—
- (a) if the warrant was issued by a justice of the peace, the designated officer for the local justice area in which the justice was acting when he issued the warrant;
  - (b) if it was issued by a judge, the appropriate officer of the court from which he issued it.”

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- (9) In Schedule 1 (special procedure), in paragraph 17, for “a Circuit judge” substitute “a judge of the High Court, a Circuit judge, a Recorder”.

**Commencement Information**

**I5** S. 114(1)-(8) in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(n)

*Fireworks*

**115 Power to stop and search for prohibited fireworks**

- (1) Section 1 of PACE (powers of constables to stop and search) is amended as follows.
- (2) In subsection (2), for “or any article to which subsection (8A) below applies” substitute “, any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies”.
- (3) In subsection (3), for “or any article to which subsection (8A) below applies” substitute “, any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies”.
- (4) In subsection (6), for “or an article to which subsection (8A) below applies” substitute “, an article to which subsection (8A) below applies or a firework to which subsection (8B) below applies”.
- (5) After subsection (8A) insert—
- “(8B) This subsection applies to any firework which a person possesses in contravention of a prohibition imposed by fireworks regulations.
- (8C) In this section—
- (a) “firework” shall be construed in accordance with the definition of “fireworks” in section 1(1) of the Fireworks Act 2003; and
- (b) “fireworks regulations” has the same meaning as in that Act.”

**Commencement Information**

**I6** S. 115 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(f)

*Photographing of suspects etc.*

**116 Photographing of suspects etc.**

- (1) Section 64A of PACE (photographing of suspects etc.) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) A person falling within subsection (1B) below may, on the occasion of the relevant event referred to in subsection (1B), be photographed elsewhere than at a police station—
- (a) with the appropriate consent; or



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- (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.

(1B) A person falls within this subsection if he has been—

- (a) arrested by a constable for an offence;
- (b) taken into custody by a constable after being arrested for an offence by a person other than a constable;
- (c) made subject to a requirement to wait with a community support officer under paragraph 2(3) or (3B) of Schedule 4 to the Police Reform Act 2002 (“the 2002 Act”);
- (d) given a penalty notice by a constable in uniform under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001, a penalty notice by a constable under section 444A of the Education Act 1996, or a fixed penalty notice by a constable in uniform under section 54 of the Road Traffic Offenders Act 1988;
- (e) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 4 to the 2002 Act) by a community support officer by virtue of a designation applying that paragraph to him; or
- (f) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 5 to the 2002 Act) by an accredited person by virtue of accreditation specifying that that paragraph applies to him.”

(3) In subsection (4)(a), after “prosecution” insert “ or to the enforcement of a sentence ”.

(4) In subsection (5), after paragraph (b) insert “; and

- (c) “sentence” includes any order made by a court in England and Wales when dealing with an offender in respect of his offence.”

(5) After subsection (6) insert—

“(6A) In this section, a “photograph” includes a moving image, and corresponding expressions shall be construed accordingly.”

#### Commencement Information

**I7** S. 116(1)(3)-(5) in force at 1.8.2005 by [S.I. 2005/2026](#), [art. 2\(c\)](#)

**I8** S. 116(2) in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(o\)](#)

### *Fingerprints and footwear impressions*

#### **117 Fingerprints**

(1) Section 61 of PACE (fingerprinting) is amended as provided in subsections (2) to (4).

(2) After subsection (6) insert—

“(6A) A constable may take a person's fingerprints without the appropriate consent if—

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- (a) the constable reasonably suspects that the person is committing or attempting to commit an offence, or has committed or attempted to commit an offence; and
  - (b) either of the two conditions mentioned in subsection (6B) is met.
- (6B) The conditions are that—
  - (a) the name of the person is unknown to, and cannot be readily ascertained by, the constable;
  - (b) the constable has reasonable grounds for doubting whether a name furnished by the person as his name is his real name.
- (6C) The taking of fingerprints by virtue of subsection (6A) does not count for any of the purposes of this Act as taking them in the course of the investigation of an offence by the police.”
- (3) In subsection (7), for “or (6)” substitute “, (6) or (6A) ”.
- (4) In subsection (7A)—
  - (a) after “police station,” insert “ or by virtue of subsection (6A) at a place other than a police station, ”,
  - (b) in paragraph (a), after “an officer” insert “ (or, in a subsection (6A) case, the constable) ”.
- (5) In section 63A of PACE (fingerprints and samples: supplementary provisions)—
  - (a) after subsection (1) insert—
    - “(1ZA) Fingerprints taken by virtue of section 61(6A) above may be checked against other fingerprints to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or which are held in connection with or as a result of an investigation of an offence.”,
    - (b) in subsection (1A), after “subsection (1)” insert “ and (1ZA) ”.
- (6) Section 64 of PACE (destruction of fingerprints and samples) is amended as follows.
- (7) In subsection (1A), for “or the conduct of a prosecution” substitute “, the conduct of a prosecution or the identification of a deceased person or of the person from whom a body part came ”.
- (8) After subsection (1B) insert—
  - “(1BA) Fingerprints taken from a person by virtue of section 61(6A) above must be destroyed as soon as they have fulfilled the purpose for which they were taken.”
- (9) In subsection (3AB), for “subsection (3)” substitute “ subsection (1BA) or (3) ”.
- (10) in subsection (3AC)—
  - (a) in paragraph (a), after “that” insert “ fingerprint or ”,
  - (b) at the end add the following new sentence— “ This subsection does not apply to fingerprints taken from a person by virtue of section 61(6A) above. ”

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### Commencement Information

- 19** S. 117 partly in force; s. 117(6) in force for certain purposes at Royal Assent and s. 117(7) in force at Royal Assent, see s. 178(1)

## 118 Impressions of footwear

- (1) PACE is amended as provided in subsections (2) to (4).
- (2) After section 61 insert—

### “61A Impressions of footwear

- (1) Except as provided by this section, no impression of a person's footwear may be taken without the appropriate consent.
- (2) Consent to the taking of an impression of a person's footwear must be in writing if it is given at a time when he is at a police station.
- (3) Where a person is detained at a police station, an impression of his footwear may be taken without the appropriate consent if—
  - (a) he is detained in consequence of his arrest for a recordable offence, or has been charged with a recordable offence, or informed that he will be reported for a recordable offence; and
  - (b) he has not had an impression taken of his footwear in the course of the investigation of the offence by the police.
- (4) Where a person mentioned in paragraph (a) of subsection (3) above has already had an impression taken of his footwear in the course of the investigation of the offence by the police, that fact shall be disregarded for the purposes of that subsection if the impression of his footwear taken previously is—
  - (a) incomplete; or
  - (b) is not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).
- (5) If an impression of a person's footwear is taken at a police station, whether with or without the appropriate consent—
  - (a) before it is taken, an officer shall inform him that it may be the subject of a speculative search; and
  - (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the impression has been taken, and if he is detained at a police station, the record shall be made on his custody record.
- (6) In a case where, by virtue of subsection (3) above, an impression of a person's footwear is taken without the appropriate consent—
  - (a) he shall be told the reason before it is taken; and
  - (b) the reason shall be recorded on his custody record as soon as is practicable after the impression is taken.

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- (7) The power to take an impression of the footwear of a person detained at a police station without the appropriate consent shall be exercisable by any constable.
- (8) Nothing in this section applies to any person—
- (a) arrested or detained under the terrorism provisions;
  - (b) arrested under an extradition arrest power.”
- (3) Section 63A (fingerprints and samples: supplementary provisions) is amended as follows—
- (a) in subsection (1), after “fingerprints”, in both places, insert “ , impressions of footwear ”,
  - (b) in subsection (1C)—
    - (i) in paragraph (a), after “fingerprints” insert “ , impressions of footwear ”,
    - (ii) in paragraph (b), after “fingerprints” insert “ , of the impressions of footwear ”,
    - (iii) after the third “fingerprints” insert “ or impressions of footwear ”,
    - (iv) after the fourth “fingerprints” insert “ , impressions of footwear ”.
- (4) Section 64 (destruction of fingerprints and samples) is amended as follows—
- (a) in subsection (1A), after “fingerprints” in both places where it occurs insert “ , impressions of footwear ”,
  - (b) in subsection (1B)(a), after “fingerprint” insert “ or an impression of footwear ”,
  - (c) in subsection (3), after “fingerprints” insert “ , impressions of footwear ”,
  - (d) in subsection (3AA)—
    - (i) for “and fingerprints” substitute “ , fingerprints and impressions of footwear ”,
    - (ii) in paragraph (b), for “or, as the case may be, fingerprint” substitute “ , fingerprint, (or as the case may be) an impression of footwear ”,
  - (e) in subsection (3AB)—
    - (i) after each of the first and third places “fingerprint” occurs insert “ , impression of footwear ”,
    - (ii) after the second place “fingerprint” occurs, insert “ , nor the impression of footwear ”,
  - (f) in subsection (3AC), after “fingerprint” in each place where it occurs (including the “fingerprint” in paragraph (a) inserted by section 117(10)(a) of this Act), insert “ , impression of footwear ”,
  - (g) in subsection (3AD), after “fingerprint” insert “ , impression of footwear ”,
  - (h) in subsection (5), after “fingerprints” in each place where it occurs insert “ or impressions of footwear ”,
  - (i) in subsection (6), after “fingerprints” insert “ or impressions of footwear ”,
  - (j) in subsection (6A), after “fingerprints” insert “ or impressions of footwear ”.

#### Commencement Information

**I10** S. 118 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(p)

**Status:** Point in time view as at 12/04/2010. This version of this part contains provisions that are not valid for this point in time.  
**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 3 is up to date with all changes known to be in force on or before 17 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)

*Intimate samples*

**119 Intimate samples**

- (1) Section 65 of PACE (which defines certain terms for the purposes of Part 5 of that Act) is amended as follows.
- (2) In the definition of “intimate sample”, for paragraph (c) substitute—
  - “(c) a swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth;”.
- (3) In the definition of “non-intimate sample”, for paragraph (c) substitute—
  - “(c) a swab taken from any part of a person's body other than a part from which a swab taken would be an intimate sample;”.

**Commencement Information**

**I11** S. 119 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(g)

VALID FROM 07/03/2011

*Custody officers*

PROSPECTIVE

**<sup>F3</sup>120 Staff custody officers: designation**

.....

**Textual Amendments**

**F3** S. 120 repealed (12.1.2009) by Policing and Crime Act 2009 (c. 26), s. 116(6)(b), Sch. 8 Pt. 13

**121 Custody officers: amendments to PACE**

- (1) Section 36 of PACE (custody officers at police stations) is amended as provided in subsections (2) to (6).
- <sup>F4</sup>(2) .....
- <sup>F4</sup>(3) .....
- <sup>F4</sup>(4) .....
- (5) In subsection (8)—
  - (a) after “in” insert “ section 34 above or in ”,
  - <sup>F5</sup>(b) .....

**Status:** Point in time view as at 12/04/2010. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Serious Organised Crime and Police Act 2005, Part 3 is up to date with all changes known to be in force on or before 17 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)

F6(6) .....

F7(7) .....

#### Textual Amendments

**F4** S. 121(2)-(4) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

**F5** S. 121(5)(b) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

**F6** S. 121(6) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

**F7** S. 121(7) repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

#### Commencement Information

**I12** S. 121(5)(a) in force at 7.3.2011 by [S.I. 2011/410](#), [art. 2\(f\)](#)

### *Designated and accredited persons*

## 122 Powers of designated and accredited persons

- (1) The Police Reform Act 2002 (c. 30) is amended as follows.
- (2) In section 42 (supplementary provisions relating to designations)—
- (a) in subsection (2), after “section 41 shall” insert “, subject to subsection (2A),”
  - (b) after subsection (2) insert—
 

“(2A) A police officer of or above the rank of inspector may direct a particular investigating officer not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) shall not apply in relation to that investigating officer for the purposes of that operation.

(2B) In subsection (2A), “investigating officer” means a person designated as an investigating officer under section 38 by the chief officer of police of the same force as the officer giving the direction.”
- (3) Schedule 4 (powers exercisable by police civilians) is amended as follows—
- (a) in paragraph 1, after sub-paragraph (2) insert—
 

“(2A) The reference to the powers mentioned in sub-paragraph (2)(a) does not include those powers so far as they relate to an offence under the provisions in the following list—

section 1 of the Theft Act 1968,

section 87 of the Environmental Protection Act 1990.”
  - (b) in paragraph 15A (power to modify paragraph 1(2)(a)), for sub-paragraph (1) substitute—
 

“(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the

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list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.”,

and in the heading to paragraph 15A, for “1(2)(a)” substitute “1(2A)”.

(4) Schedule 5 (powers exercisable by accredited persons) is amended as provided in subsections (5) and (6).

(5) In paragraph 1 (power to issue fixed penalty notices)—

(a) in sub-paragraph (2)(aa), omit “except in respect of an offence under section 12 of the Licensing Act 1872 or section 91 of the Criminal Justice Act 1967”,

(b) after sub-paragraph (2) insert—

“(2A) The reference to the powers mentioned in sub-paragraph (2)(aa) does not include those powers so far as they relate to an offence under the provisions in the following list—

section 12 of the Licensing Act 1872,

section 91 of the Criminal Justice Act 1967,

section 1 of the Theft Act 1968,

section 1(1) of the Criminal Damage Act 1971,

section 87 of the Environmental Protection Act 1990.”

(6) In paragraph 9A (power to modify paragraph 1(2)(aa)), for sub-paragraph (1) substitute—

“(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.”,

and in the heading to paragraph 9A, for “1(2)(aa)” substitute “1(2A)”.

(7) Schedules 8 and 9 to this Act, which provide for additional powers and duties for designated and accredited persons under the Police Reform Act 2002 (c. 30), have effect.

#### Commencement Information

**I13** S. 122 in force at 1.7.2005 for specified purposes by [S.I. 2005/1521](#), [art. 3\(1\)\(h\)](#)

**I14** S. 122(1)-(6) in force at 1.8.2005 in so far as not already in force by [S.I. 2005/2026](#), [art. 2\(d\)](#)

**I15** S. 122(7) in force at 1.1.2006 for specified purposes by [S.I. 2005/3495](#), [art. 2\(1\)\(q\)](#)

#### *Provision of information for use by police staff*

### **123 Provision of information for use by police staff**

(1) In section 71 of the Criminal Justice and Court Services Act 2000 (c. 43) (access to driver licensing records), in subsection (4), after “In this section” insert “—

“constables” includes—

**Status:** Point in time view as at 12/04/2010. This version of this part contains provisions that are not valid for this point in time.

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- (a) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
  - (b) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,
  - (c) police support staff (within the meaning of the Police (Northern Ireland) Act 2000), and
  - (d) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police Force”.
- (2) In section 18 of the Vehicles (Crime) Act 2001 (c. 3) (register of registration plate suppliers), after subsection (8) insert—

“(9) In this section, “constables” includes—

- (a) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
- (b) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area, and
- (c) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police Force.”.

<sup>F8</sup>(3) .....

#### Textual Amendments

**F8** S. 123(3) repealed (12.1.2009) by Policing and Crime Act 2009 (c. 26), s. 116(6)(b), Sch. 8 Pt. 13

#### Commencement Information

**I16** S. 123 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(k)

### Interpretation of Part 3

#### 124 Interpretation of Part 3

In this Part, “PACE” means the Police and Criminal Evidence Act 1984 (c. 60).

#### Commencement Information

**I17** S. 124 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(l)



**Status:**

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**Changes to legislation:**

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