

Status: Point in time view as at 06/07/2020.

Changes to legislation: Serious Organised Crime and Police Act 2005, Part 1 is up to date with all changes known to be in force on or before 15 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

POWERS OF ARREST: SUPPLEMENTARY

PART 1

SPECIFIC REPEALS

Unlawful Drilling Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 1)

- 1 In section 2 of the Unlawful Drilling Act 1819 (power to disperse unlawful meeting), omit “, or for any other person acting in their aid or assistance,”.

Commencement Information

- II** Sch. 7 para. 1 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Vagrancy Act 1824 (c. 83)

- 2 Section 6 of the Vagrancy Act 1824 (power to apprehend) shall cease to have effect.

Commencement Information

- I2** Sch. 7 para. 2 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Railway Regulation Act 1842 (c. 55)

- 3 Section 17 of the Railway Regulation Act 1842 (punishment of persons guilty of misconduct) shall cease to have effect.

Commencement Information

- I3** Sch. 7 para. 3 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Companies Clauses Consolidation Act 1845 (c. 16)

- 4 In section 156 of the Companies Clauses Consolidation Act 1845 (transient offenders), omit “, and all persons called by him to his assistance,”.

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Commencement Information

I4 Sch. 7 para. 4 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Railways Clauses Consolidation Act 1845 (c. 20)

- 5 (1) The Railways Clauses Consolidation Act 1845 is amended as follows.
- (2) Section 104 (detention of offenders) shall cease to have effect.
- (3) Section 154 (transient offenders) shall cease to have effect.

Commencement Information

I5 Sch. 7 para. 5 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Licensing Act 1872 (c. 94)

- 6 In section 12 of the Licensing Act 1872 (penalty on persons found drunk), omit “may be apprehended, and”.

Commencement Information

I6 Sch. 7 para. 6 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Public Stores Act 1875 (c. 25)

- 7 In section 12 of the Public Stores Act 1875 (powers of arrest and search), omit subsection (1).

Commencement Information

I7 Sch. 7 para. 7 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

London County Council (General Powers) Act 1894 (c. ccxii)

- 8 In section 7 of the London County Council (General Powers) Act 1894 (arrest for breach of byelaws), omit “and any person called to the assistance of such constable or person authorised”.

Commencement Information

I8 Sch. 7 para. 8 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

London County Council (General Powers) Act 1900 (c. cclxviii)

- 9 In section 27 of the London County Council (General Powers) Act 1900 (arrest for breach of byelaws), omit “and any person called to the assistance of such constable or officer”.

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Commencement Information

I9 Sch. 7 para. 9 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Licensing Act 1902 (c. 28)

- 10 (1) The Licensing Act 1902 is amended as follows.
- (2) In section 1 (apprehension of persons found drunk), omit “apprehended and”.
- (3) In section 2 (being drunk in charge of a child), in subsection (1), omit “may be apprehended, and”.

Commencement Information

I10 Sch. 7 para. 10 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Protection of Animals Act 1911 (c. 27)

- 11 In section 12 of the Protection of Animals Act 1911 (powers of constables), omit subsection (1).

Commencement Information

I11 Sch. 7 para. 11 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Official Secrets Act 1911 (c. 28)

- 12 Section 6 of the Official Secrets Act 1911 (power of arrest) shall cease to have effect.

Commencement Information

I12 Sch. 7 para. 12 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 13 In section 7 of the Public Order Act 1936 (enforcement), omit subsection (3).

Commencement Information

I13 Sch. 7 para. 13 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Street Offences Act 1959 (c. 57)

- 14 In section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution), omit subsection (3).

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Commencement Information

I14 Sch. 7 para. 14 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Criminal Justice Act 1967 (c. 80)

- 15 In section 91 of the Criminal Justice Act 1967 (drunkenness in a public place), in subsection (1), omit “may be arrested without warrant by any person and”.

Commencement Information

I15 Sch. 7 para. 15 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Ministry of Housing and Local Government Provisional Order
 Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)*

- 16 In Article 19 (power of detention) of the Order set out in the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967, omit “and any person called to the assistance of such constable or officer”.

Commencement Information

I16 Sch. 7 para. 16 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Theft Act 1968 (c. 60)

- 17 In section 25 of the Theft Act 1968 (going equipped for stealing etc.), omit subsection (4).

Commencement Information

I17 Sch. 7 para. 17 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Port of London Act 1968 (c. xxxii)

- 18 Section 170 of the Port of London Act 1968 (power of arrest) shall cease to have effect.

Commencement Information

I18 Sch. 7 para. 18 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Criminal Law Act 1977 (c. 45)

- 19 (1) The Criminal Law Act 1977 is amended as follows.
 (2) In section 6 (violence for securing entry), omit subsection (6).

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- (3) In section 7 (adverse occupation of residential premises), omit subsection (6).
- (4) In section 8 (trespassing with a weapon of offence), omit subsection (4).
- (5) In section 9 (trespassing on premises of foreign missions, etc.), omit subsection (7).
- (6) In section 10 (obstruction of certain officers executing process), in subsection (5), omit “A constable in uniform,”.

Commencement Information

I19 Sch. 7 para. 19 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Theft Act 1978 (c. 31)

- 20 In section 3 of the Theft Act 1978 (making off without payment), omit subsection (4).

Commencement Information

I20 Sch. 7 para. 20 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Animal Health Act 1981 (c. 22)

- 21 (1) The Animal Health Act 1981 is amended as follows.
- (2) In section 61 (powers of arrest as to rabies), omit subsection (1).
 - (3) In section 62 (entry and search under section 61), omit subsection (1).

Commencement Information

I21 Sch. 7 para. 21 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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

- 22 In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), omit paragraph 24.

Commencement Information

I22 Sch. 7 para. 22 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Aviation Security Act 1982 (c. 36)

- 23 In section 28 of the Aviation Security Act 1982 (byelaws for designated airports), omit subsection (3).

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Commencement Information

I23 Sch. 7 para. 23 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Police and Criminal Evidence Act 1984 (c. 60)

- 24 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 118 (general interpretation), in subsection (1), omit the definition of “arrestable offence”.
- (3) Schedule 1A (specific offences which are arrestable offences) shall cease to have effect.
- (4) In Schedule 2 (preserved powers of arrest), the following are omitted—
the entry relating to the Military Lands Act 1892 (c. 43),
the entry relating to the Protection of Animals Act 1911 (c. 27),
the entry relating to the Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6),
the entry relating to the Street Offences Act 1959 (c. 57),
the entry relating to the Criminal Law Act 1977 (c. 45),
the entry relating to the Animal Health Act 1981 (c. 22).

Commencement Information

I24 Sch. 7 para. 24 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)

- 25 In section 7 of the Sporting Events (Control of Alcohol etc.) Act 1985 (powers of enforcement), in subsection (2), omit “, and may arrest such a person”.

Commencement Information

I25 Sch. 7 para. 25 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Public Order Act 1986 (c. 64)

- 26 (1) The Public Order Act 1986 is amended as follows.
- (2) In section 3 (affray), omit subsection (6).
- (3) In section 4 (fear or provocation of violence), omit subsection (3).
- (4) In section 4A (intentional harassment, alarm or distress), omit subsection (4).
- (5) In section 5 (harassment, alarm or distress), omit subsections (4) and (5).
- (6) In section 12 (imposing conditions on public processions), omit subsection (7).
- (7) In section 13 (prohibiting public processions), omit subsection (10).
- (8) In section 14 (imposing conditions on public assemblies), omit subsection (7).

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- (9) In section 14B (offences in connection with trespassory assemblies), omit subsection (4).
- (10) In section 14C (stopping persons from proceeding to trespassory assemblies), omit subsection (4).
- (11) In section 18 (use of words or behaviour or display of written material), omit subsection (3).

Commencement Information

I26 Sch. 7 para. 26 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Road Traffic Act 1988 (c. 52)

- 27
- (1) The Road Traffic Act 1988 is amended as follows.
 - (2) In section 4 (driving etc. under influence of drink or drugs), omit subsections (6) to (8).
 - (3) In section 163 of the Road Traffic Act 1988 (power of police to stop vehicles), omit subsection (4).
 - (4) The repeal of section 4(8) extends also to Scotland.

Commencement Information

I27 Sch. 7 para. 27 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Football Spectators Act 1989 (c. 37)

- 28
- In section 2 of the Football Spectators Act 1989 (offences relating to unauthorised attendance at designated football matches), omit subsection (4).

Commencement Information

I28 Sch. 7 para. 28 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Transport and Works Act 1992 (c. 42)

- 29
- In section 30 of the Transport and Works Act 1992 (powers of arrest and entry), omit subsections (1) and (3).

Commencement Information

I29 Sch. 7 para. 29 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 30 In section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 (intimidation or annoyance), omit subsection (3).

Commencement Information

I30 Sch. 7 para. 30 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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

- 31 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 61 (power to remove trespassers on land), omit subsection (5).
- (3) In section 62B (failure to comply with direction under section 62A), omit subsection (4).
- (4) In section 63 (powers to remove persons attending or preparing for a rave), omit subsection (8).
- (5) In section 65 (raves: powers to stop persons from proceeding), omit subsection (5).
- (6) In section 68 (offence of aggravated trespass), omit subsection (4).
- (7) In section 69 (powers to remove persons committing or participating in aggravated trespass), omit subsection (5).
- (8) In section 76 (interim possession orders: trespassing during currency of order), omit subsection (7).

Commencement Information

I31 Sch. 7 para. 31 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Reserve Forces Act 1996 (c. 14)

- 32 In Schedule 2 to the Reserve Forces Act 1996 (deserters and absentees without leave), omit paragraph 2(1).

Commencement Information

I32 Sch. 7 para. 32 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)

- 33 In section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of alcohol), omit subsection (5).

Commencement Information

I33 Sch. 7 para. 33 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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Crime and Disorder Act 1998 (c. 37)

- 34 In section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated public order offences), omit subsections (2) and (3).

Commencement Information

I34 Sch. 7 para. 34 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Criminal Justice and Police Act 2001 (c. 16)

- 35 In the Criminal Justice and Police Act 2001—
- (a) in section 42 (police directions stopping harassment etc. of a person in his home), omit subsection (8),
 - (b) in section 47 (application of offences relating to prostitution advertising to public structures), omit subsection (3).

Commencement Information

I35 Sch. 7 para. 35 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

Anti-social Behaviour Act 2003 (c. 38)

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Textual Amendments

F1 Sch. 7 para. 36 repealed (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 50 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(dd)(viii) (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

Hunting Act 2004 (c. 37)

- 37 Section 7 of the Hunting Act 2004 (arrest) shall cease to have effect.

Commencement Information

I36 Sch. 7 para. 37 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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