

*Status: Point in time view as at 07/10/2013.*

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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 1

#### Textual Amendments

- F1** Sch. 1 omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 158** (with Sch. 8 para. 9); S.I. 2013/1682, art. 3(v)

### <sup>F2</sup>SCHEDULE 2

Section 55

#### Textual Amendments

- F2** Sch. 2 omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 158** (with Sch. 8 para. 9); S.I. 2013/1682, art. 3(v)

### <sup>F3</sup>SCHEDULE 3

Section 58

#### Textual Amendments

- F3** Sch. 3 omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 158** (with Sch. 8 para. 9); S.I. 2013/1682, art. 3(v)

### <sup>F4</sup>SCHEDULE 4

Section 59

#### Textual Amendments

- F4** Sch. 4 omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 158** (with Sch. 8 para. 9); S.I. 2013/1682, art. 3(v)

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## SCHEDULE 5

Section 82

### PERSONS SPECIFIED FOR THE PURPOSES OF SECTION 82

- 1 A person who is or might be, or who has been, a witness in legal proceedings (whether or not in the United Kingdom).

#### Commencement Information

- I1** Sch. 5 para. 1 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**  
**I2** Sch. 5 para. 1 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

- 2 A person who has complied with a disclosure notice given to him by virtue of section 62(1).

#### Commencement Information

- I3** Sch. 5 para. 2 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**  
**I4** Sch. 5 para. 2 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

- 3 (1) A person who has been given an immunity notice under section 71(1) if the notice continues to have effect in relation to him.  
 (2) A person who has been given a restricted use undertaking under section 72(1) if the undertaking continues to have effect in relation to him.

#### Commencement Information

- I5** Sch. 5 para. 3 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**  
**I6** Sch. 5 para. 3 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**

- 4 A person who is or has been a member of a jury.

#### Commencement Information

- I7** Sch. 5 para. 4 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**  
**I8** Sch. 5 para. 4 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

- 5 A person who holds or has held judicial office (whether or not in the United Kingdom).

#### Commencement Information

- I9** Sch. 5 para. 5 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(b)**  
**I10** Sch. 5 para. 5 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

- 6 A person who is or has been a justice of the peace or who holds or has held a position comparable to that of a justice of the peace in a place outside the United Kingdom.

#### Commencement Information

- I11** Sch. 5 para. 6 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

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**I12** Sch. 5 para. 6 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

7 A person who is or has been a member of an international tribunal which has jurisdiction in criminal matters.

**Commencement Information**

**I13** Sch. 5 para. 7 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

**I14** Sch. 5 para. 7 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

8 A person who conducts or has conducted criminal prosecutions (whether or not in the United Kingdom).

**Commencement Information**

**I15** Sch. 5 para. 8 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

**I16** Sch. 5 para. 8 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

9 (1) A person who is or has been the Director of Public Prosecutions for England and Wales.

(2) A person who is or has been a member of staff of the Crown Prosecution Service for England and Wales.

**Commencement Information**

**I17** Sch. 5 para. 9 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

**I18** Sch. 5 para. 9 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

10 (1) A person who is or has been the Director or deputy Director of Public Prosecutions for Northern Ireland.

(2) A person who is or has been a person appointed under Article 4(3) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I.1)) to assist the Director of Public Prosecutions for Northern Ireland.

**Commencement Information**

**I19** Sch. 5 para. 10 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

**I20** Sch. 5 para. 10 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

11 A person who is or has been under the direction and control of the Lord Advocate in the Lord Advocate's capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland.

**Commencement Information**

**I21** Sch. 5 para. 11 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), [art. 5\(1\)](#)

**I22** Sch. 5 para. 11 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), [art. 2\(1\)\(b\)](#)

12 (1) A person who is or has been the Director of Revenue and Customs Prosecutions.

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- (2) A person who is or has been a member of staff of the Revenue and Customs Prosecutions Office.

**Commencement Information**

- I23** Sch. 5 para. 12 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**  
**I24** Sch. 5 para. 12 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 13 A person who is or has been a constable.

**Commencement Information**

- I25** Sch. 5 para. 13 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**  
**I26** Sch. 5 para. 13 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 14 A person who is or has been designated under—
- (a) section 38(1) of the Police Reform Act 2002 (c. 30) (police powers for [<sup>F5</sup>civilian staff]);
  - (b) section 30(1) of the Police (Northern Ireland) Act 2003 (c. 6) (police powers for designated police support staff).

**Textual Amendments**

- F5** Words in Sch. 5 para. 14(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 350**; S.I. 2011/3019, art. 3, Sch. 1

**Commencement Information**

- I27** Sch. 5 para. 14 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**  
**I28** Sch. 5 para. 14 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**

- 15 A person who is a police custody and security officer [<sup>F6</sup>(as defined by section 99(1) of the Police and Fire Reform (Scotland) Act 2012)].

**Textual Amendments**

- F6** Words in Sch. 5 para. 15 substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 48(15)(a)**

**Commencement Information**

- I29** Sch. 5 para. 15 in force at 1.4.2006 for S. by S.S.I. 2006/166, **art. 2(1)(b)**  
**I30** Sch. 5 para. 15 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**

- 16 A person who—
- (a) is or has been an officer of Revenue and Customs;
  - (b) is or has been a member of staff of Her Majesty's Customs and Excise.

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#### Commencement Information

- I31** Sch. 5 para. 16 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)  
**I32** Sch. 5 para. 16 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 17 A person who is or has been a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 (c. 77).

#### Commencement Information

- I33** Sch. 5 para. 17 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)  
**I34** Sch. 5 para. 17 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

- [<sup>F7</sup>17A A person who is or has been a National Crime Agency officer.]

#### Textual Amendments

- F7** Sch. 5 para. 17A inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 165; S.I. 2013/1682, art. 3\(v\)](#)

- 18 A person who is or has been a member of staff of SOCA.

#### Commencement Information

- I35** Sch. 5 para. 18 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)  
**I36** Sch. 5 para. 18 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 19 (1) A person who is or has been the Director General of the National Criminal Intelligence Service or the Director General of the National Crime Squad.  
(2) A person who is or has been under the direction and control of the Director General of the National Criminal Intelligence Service or the Director General of the National Crime Squad.

#### Commencement Information

- I37** Sch. 5 para. 19 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)  
**I38** Sch. 5 para. 19 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

- 20 (1) A person who <sup>F8</sup>... has been the Director of the [<sup>F9</sup>organisation known as the Scottish Drug Enforcement Agency and established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967 (c. 77), that is to say a person who was engaged on central service (as defined by section 38(5) of that Act) and was appointed by the Scottish Ministers to exercise control in relation to the activities carried out in exercise of that organisation's functions].  
(2) A person who <sup>F10</sup>... has been under the direction and control of the Director of the Scottish Drug Enforcement Agency.

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### Textual Amendments

- F8** Words in Sch. 5 para. 20(1) repealed (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), Sch. 6 para. 13\(11\)\(a\)\(i\)](#); S.S.I. 2007/84, art. 3(3) and words repealed (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\), art. 1\(3\), Sch. para. 6\(12\)\(a\)\(i\)](#)
- F9** Words in Sch. 5 para. 20(1) substituted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), Sch. 6 para. 13\(11\)\(a\)\(i\)](#); S.S.I. 2007/84, art. 3(3) and words substituted (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\), art. 1\(3\), Sch. para. 6\(12\)\(a\)\(ii\)](#)
- F10** Words in Sch. 5 para. 20(2) repealed (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), Sch. 6 para. 13\(11\)\(a\)\(ii\)](#); S.S.I. 2007/84, art. 3(3) and words repealed (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\), art. 1\(3\), Sch. para. 6\(12\)\(b\)](#)

### Commencement Information

- I39** Sch. 5 para. 20 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)
- I40** Sch. 5 para. 20 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

[<sup>F11</sup>20A(1) A person who <sup>F12</sup>... has been the Director General of the Scottish Crime and Drug Enforcement Agency.

(2) A person who <sup>F12</sup>... has been under the direction and control of the Director General of the Scottish Crime and Drug Enforcement Agency.]

### Textual Amendments

- F11** Sch. 5 para. 20A inserted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), Sch. 6 para. 13\(11\)\(b\)](#); S.S.I. 2007/84, art. 3(3) and inserted (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\), art. 1\(3\), Sch. para. 6\(13\)](#)
- F12** Words in Sch. 5 para. 20A omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), art. 1\(2\), Sch. 2 para. 48\(15\)\(b\)](#)

21 (1) A person who <sup>F13</sup>... has been the Director of the Assets Recovery Agency.

(2) A person who <sup>F14</sup>... has been a member of staff of the Assets Recovery Agency or a person with whom the Director of that Agency has made arrangements for the provision of services under section 1(4) of the Proceeds of Crime Act 2002 (c. 29).

### Textual Amendments

- F13** Words in Sch. 5 para. 21(1) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 175, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)
- F14** Words in Sch. 5 para. 21(2) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 175, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

### Commencement Information

- I41** Sch. 5 para. 21 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)
- I42** Sch. 5 para. 21 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

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- 22 (1) A person who is or has been the head of the Civil Recovery Unit, that is to say of the organisation known by that name which acts on behalf of the Scottish Ministers in proceedings under Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc. of unlawful conduct).
- (2) A person who is or has been a member of staff of the Civil Recovery Unit.

**Commencement Information**

**I43** Sch. 5 para. 22 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

**I44** Sch. 5 para. 22 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 23 (1) A person who is or has been a person appointed by virtue of section 246(1) of the Proceeds of Crime Act 2002 (c. 29) as an interim receiver.
- (2) A person who assists or has assisted an interim receiver so appointed in the exercise of such functions as are mentioned in section 247 of that Act.

**Commencement Information**

**I45** Sch. 5 para. 23 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

**I46** Sch. 5 para. 23 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

- 24 (1) A person who is or has been a person appointed by virtue of section 256(1) of the Proceeds of Crime Act 2002 as an interim administrator.
- (2) A person who assists or has assisted an interim administrator so appointed in the exercise of such functions as are mentioned in section 257 of that Act.

**Commencement Information**

**I47** Sch. 5 para. 24 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

**I48** Sch. 5 para. 24 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 25 (1) A person who is or has been the head of the Financial Crime Unit, that is to say of the organisation known by that name which, among other activities, acts on behalf of the Lord Advocate in proceedings under Part 3 of the Proceeds of Crime Act 2002 (confiscation: Scotland).
- (2) A person who is or has been a member of staff of the Financial Crime Unit.

**Commencement Information**

**I49** Sch. 5 para. 25 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

**I50** Sch. 5 para. 25 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

- 26 A person who is or has been a prison officer.

**Commencement Information**

**I51** Sch. 5 para. 26 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

**I52** Sch. 5 para. 26 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

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- 27 A person who is or has been a covert human intelligence source (within the meaning of section 26(8) of the Regulation of Investigatory Powers Act 2000 (c. 23) or of section 1(7) of the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)).

**Commencement Information**

**I53** Sch. 5 para. 27 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

**I54** Sch. 5 para. 27 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

- 28 A person—
- (a) who is a member of the family of a person specified in any of the preceding paragraphs;
  - (b) who lives or has lived in the same household as a person so specified;
  - (c) who has or has had a close personal relationship with a person so specified.

**Commencement Information**

**I55** Sch. 5 para. 28 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521, art. 5\(1\)](#)

**I56** Sch. 5 para. 28 in force at 1.4.2006 for S. by [S.S.I. 2006/166, art. 2\(1\)\(b\)](#)

SCHEDULE 6

Section 109

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 6 OF PART 2

*Prescription and Limitation (Scotland) Act 1973 (c. 52)*

- 1 In section 19B(3) of the Prescription and Limitation (Scotland) Act 1973 (actions for recovery of property obtained through unlawful conduct etc.)—
- (a) after paragraph (a) insert—
    - “(aa) an application is made for a prohibitory property order, or”, and
  - (b) for “earlier” substitute “earliest”.

**Commencement Information**

**I57** Sch. 6 para. 1 in force at 1.1.2006 by [S.I. 2005/3136, art. 2\(b\)](#)

*Limitation Act 1980 (c. 58)*

- 2 In section 27A(3) of the Limitation Act 1980 (time limits for bringing proceedings for recovery order: when proceedings are brought)—
- (a) after paragraph (a) insert—
    - “(aa) an application is made for a property freezing order, or”, and
  - (b) for “earlier” substitute “earliest”.

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**Commencement Information**

**I58** Sch. 6 para. 2 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

*Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))*

- 3 In Article 72A(3) of the Limitation (Northern Ireland) Order 1989 (time limits for bringing proceedings for recovery order: when proceedings are brought)—
- (a) after paragraph (a) insert—
    - “(aa) an application is made for a property freezing order, or”,
    - and
  - (b) for “earlier” substitute “earliest”.

**Commencement Information**

**I59** Sch. 6 para. 3 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

*Proceeds of Crime Act 2002 (c. 29)*

- 4 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.

**Commencement Information**

**I60** Sch. 6 para. 4 in force at 1.8.2005 by S.I. 2005/2026, art. 2(b)

- 5 In section 82(f) (confiscation: England and Wales: property is free property if order under section 246 etc. applies to it)—
- (a) after “section” insert “ 245A, ” and
  - (b) after “246,” insert “ 255A, 256, ”.

**Commencement Information**

**I61** Sch. 6 para. 5 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 6 In section 148(f) (confiscation: Scotland: property is free property if order under section 246 etc. applies to it)—
- (a) after “section” insert “ 245A, ” and
  - (b) after “246,” insert “ 255A, 256, ”.

**Commencement Information**

**I62** Sch. 6 para. 6 in force at 1.1.2006 by S.I. 2005/3136, art. 2(b)

- 7 In section 230(f) (confiscation: Northern Ireland: property is free property if order under section 246 etc. applies to it)—
- (a) after “section” insert “ 245A, ” and
  - (b) after “246,” insert “ 255A, 256, ”.

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**Commencement Information**

**I63** Sch. 6 para. 7 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 8 In section 241(2)(a) (conduct occurring outside the United Kingdom that is unlawful conduct for the purposes of Part 5)—
- (a) after “in a country” insert “ or territory ”, and
  - (b) for “of that country” substitute “ applying in that country or territory ”.

**Commencement Information**

**I64** Sch. 6 para. 8 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 9 In section 243 (proceedings for recovery orders in England and Wales or Northern Ireland), after subsection (4) insert—
- “(5) Nothing in sections 245A to 255 limits any power of the court apart from those sections to grant interim relief in connection with proceedings (including prospective proceedings) under this Chapter.”

**Commencement Information**

**I65** Sch. 6 para. 9 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 10 Before section 248 (and its heading) insert the following heading— “ Property freezing orders and interim receiving orders: registration ”

**Commencement Information**

**I66** Sch. 6 para. 10 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 11 (1) Section 248 (registration: England and Wales) is amended as follows.
- (2) In subsection (1)(a), for “interim receiving orders” substitute “ property freezing orders, and in relation to interim receiving orders, ”.
  - (3) In subsection (1)(b), for “interim receiving orders” substitute “ property freezing orders, and in relation to applications for interim receiving orders, ”.
  - (4) In subsection (3), before “an interim receiving order” insert “ a property freezing order or ”.

**Commencement Information**

**I67** Sch. 6 para. 11 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 12 (1) Section 249 (registration: Northern Ireland) is amended as follows.
- (2) In subsection (1), after “applying for” insert “ a property freezing order or ”.
  - (3) In subsection (1)(b), for “an interim receiving order” substitute “ a property freezing order, or an interim receiving order, ”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

(4) After subsection (1) insert—

“(1A) Upon being served with a copy of a property freezing order, the Registrar must, in respect of any registered land to which a property freezing order or an application for a property freezing order relates, make an entry inhibiting any dealing with the land without the consent of the High Court.”

(5) In subsection (3), after “entry made under subsection” insert “ (1A) or ”.

(6) In subsection (4)—

- (a) after “Where” insert “ a property freezing order or ”, and
- (b) after “setting aside the” insert “ property freezing order or ”.

**Commencement Information**

**I68** Sch. 6 para. 12 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

13 Before section 250 (and its heading) insert the following heading— “ Interim receiving orders: further provisions ”

**Commencement Information**

**I69** Sch. 6 para. 13 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

14 (1) Section 252 (interim receiving orders: prohibition on dealings) is amended as follows.

(2) For subsection (4) (restriction on exclusions for legal expenses) substitute—

“(4) Where the court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that he has incurred, or may incur, in respect of proceedings under this Part, it must ensure that the exclusion—

- (a) is limited to reasonable legal expenses that the person has reasonably incurred or that he reasonably incurs,
- (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion, and
- (c) is made subject to the required conditions (see section 286A) in addition to any conditions imposed under subsection (3).

(4A) The court, in deciding whether to make an exclusion for the purpose of enabling a person to meet legal expenses of his in respect of proceedings under this Part—

- (a) must have regard (in particular) to the desirability of the person being represented in any proceedings under this Part in which he is a participant, and
- (b) must, where the person is the respondent, disregard the possibility that legal representation of the person in any such proceedings might, were an exclusion not made, be funded by the Legal Services Commission or the Northern Ireland Legal Services Commission.”

(3) In subsection (6) (power to make exclusions not to be exercised so as to prejudice enforcement authority's rights to recover property), after “must” insert “ , subject to subsection (4A), ”.

*Status: Point in time view as at 07/10/2013.*

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**Commencement Information**

**I70** Sch. 6 para. 14 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

15 In section 266 (recovery orders), after subsection (8) insert—

“(8A) A recovery order made by a court in England and Wales or Northern Ireland may provide for payment under section 280 of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—

- (a) the proceedings under this Part in which the order is made, or
- (b) any related proceedings under this Part.

(8B) If regulations under section 286B apply to an item of expenditure, a sum in respect of the item is not payable under section 280 in pursuance of provision under subsection (8A) unless—

- (a) the enforcement authority agrees to its payment, or
- (b) the court has assessed the amount allowed by the regulations in respect of that item and the sum is paid in respect of the assessed amount.”

**Commencement Information**

**I71** Sch. 6 para. 15 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

16 In section 271(4) (certain payments to trustee for civil recovery to be reduced to take account of loss caused by interim receiving order etc.)—

- (a) in paragraph (a), for “an interim receiving order or” substitute “ a property freezing order, an interim receiving order, a prohibitory property order or an ”, and
- (b) in paragraph (b), for “interim receiving order or interim administration order” substitute “ order mentioned in paragraph (a) ”.

**Commencement Information**

**I72** Sch. 6 para. 16 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

17 In section 272(5) (provision in recovery orders for compensation for loss caused by interim receiving order etc.)—

- (a) in paragraph (a), for “an interim receiving order or” substitute “ a property freezing order, an interim receiving order, a prohibitory property order or an ”, and
- (b) in paragraph (b), for “interim receiving order or interim administration order” substitute “ order mentioned in paragraph (a) ”.

**Commencement Information**

**I73** Sch. 6 para. 17 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

18 In section 280(2) (application of realised proceeds of recovery order)—

- (a) after paragraph (a) insert—

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- “(aa) next, any payment of legal expenses which, after giving effect to section 266(8B), are payable under this subsection in pursuance of provision under section 266(8A) contained in the recovery order,” and
- (b) in paragraph (b), for “second” substitute “ then ”.

**Commencement Information**

**I74** Sch. 6 para. 18 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 19 In section 283 (compensation where interim receiving order etc. has applied)—
- (a) in subsection (1), for “an interim receiving order or” substitute “ a property freezing order, an interim receiving order, a prohibitory property order or an ”, and
- (b) in subsection (5), for “interim receiving order or interim administration order” substitute “ order mentioned in subsection (1) ”.

**Commencement Information**

**I75** Sch. 6 para. 19 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 20 After section 286 insert—

**“286A Legal expenses excluded from freezing: required conditions**

- (1) The Lord Chancellor may by regulations specify the required conditions for the purposes of section 245C(5) or 252(4).
- (2) A required condition may (in particular)—
- (a) restrict who may receive sums released in pursuance of the exclusion (by, for example, requiring released sums to be paid to professional legal advisers), or
- (b) be made for the purpose of controlling the amount of any sum released in pursuance of the exclusion in respect of an item of expenditure.
- (3) A required condition made for the purpose mentioned in subsection (2)(b) may (for example)—
- (a) provide for sums to be released only with the agreement of the enforcement authority;
- (b) provide for a sum to be released in respect of an item of expenditure only if the court has assessed the amount allowed by regulations under section 286B in respect of that item and the sum is released for payment of the assessed amount;
- (c) provide for a sum to be released in respect of an item of expenditure only if—
- (i) the enforcement authority agrees to its release, or
- (ii) the court has assessed the amount allowed by regulations under section 286B in respect of that item and the sum is released for payment of the assessed amount.

*Status: Point in time view as at 07/10/2013.*

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- (4) Before making regulations under this section, the Lord Chancellor must consult such persons as he considers appropriate.

### **286B Legal expenses: regulations for purposes of section 266(8B) or 286A(3)**

- (1) The Lord Chancellor may by regulations—
- (a) make provision for the purposes of section 266(8B);
  - (b) make provision for the purposes of required conditions that make provision of the kind mentioned in section 286A(3)(b) or (c).
- (2) Regulations under this section may (in particular)—
- (a) limit the amount of remuneration allowable to representatives for a unit of time worked;
  - (b) limit the total amount of remuneration allowable to representatives for work done in connection with proceedings or a step in proceedings;
  - (c) limit the amount allowable in respect of an item of expense incurred by a representative or incurred, otherwise than in respect of the remuneration of a representative, by a party to proceedings.
- (3) Before making regulations under this section, the Lord Chancellor must consult such persons as he considers appropriate.”

#### **Commencement Information**

**I76** Sch. 6 para. 20 in force at 1.8.2005 by S.I. 2005/2026, art. 2(b)

- 21 In section 287 (financial threshold for starting proceedings), in subsections (3) and (4) (threshold applies to applications made before proceedings started but does not apply after proceedings started or application made), for “an interim receiving order or” substitute “ a property freezing order, an interim receiving order, a prohibitory property order or an ”.

#### **Commencement Information**

**I77** Sch. 6 para. 21 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

- 22 (1) Section 316(1) (interpretation of Part 5) is amended as follows.
- (2) After the definition of “premises” insert—
- ““prohibitory property order” has the meaning given by section 255A(2);
- “property freezing order” has the meaning given by section 245A(2);”.
- (3) In paragraph (b) of the definition of “respondent”, for “an interim receiving order or” substitute “ a property freezing order, an interim receiving order, a prohibitory property order or an ”.

#### **Commencement Information**

**I78** Sch. 6 para. 22 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

*Status: Point in time view as at 07/10/2013.*

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- 23 In section 432 (insolvency practitioners), in subsections (1)(b), (8)(a) and (9)(a), for “an interim receiving order made under section 246” substitute “ a property freezing order made under section 245A, an interim receiving order made under section 246, a prohibitory property order made under section 255A ”.

**Commencement Information**

**I79** Sch. 6 para. 23 in force at 1.1.2006 by S.I. 2005/3136, art. 3(c)

SCHEDULE 7

Section 111

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**

**I80** 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**

**I81** 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**

**I82** Sch. 7 para. 3 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

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*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,”.

**Commencement Information**

**I83** 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**

**I84** 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**

**I85** 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**

**I86** 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**

**I87** Sch. 7 para. 8 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

*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”.

**Commencement Information**

**I88** 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**

**I89** 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**

**I90** 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**

**I91** 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**

**I92** Sch. 7 para. 13 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

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*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).

**Commencement Information**

**I93** 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**

**I94** 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**

**I95** 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**

**I96** 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**

**I97** Sch. 7 para. 18 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

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*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).
- (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**

**I98** 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**

**I99** 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**

**I100** 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**

**I101** Sch. 7 para. 22 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

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*Aviation Security Act 1982 (c. 36)*

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

**Commencement Information**

**I102** 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**

**I103** 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**

**I104** 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).

*Status: Point in time view as at 07/10/2013.*

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- (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).
- (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**

**I105** 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**

**I106** 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**

**I107** 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).

*Status: Point in time view as at 07/10/2013.*

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**Commencement Information**

**I108** Sch. 7 para. 29 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*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**

**I109** 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**

**I110** 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**

**I111** Sch. 7 para. 32 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

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*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**

**I112** Sch. 7 para. 33 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*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**

**I113** 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**

**I114** 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)*

- 36 In the Anti-social Behaviour Act 2003—
- (a) in section 4 (closure of premises: offences), omit subsection (5),
  - (b) in section 32 (supplementary provisions about powers relating to dispersal of groups and removal of persons under 16 to their homes), omit subsection (3).

**Commencement Information**

**I115** Sch. 7 para. 36 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Hunting Act 2004 (c. 37)*

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

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

**Commencement Information**

**I116** Sch. 7 para. 37 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

**PART 2**

GENERAL REPEAL

- 38 So much of the enactments set out in the second column of the Table below as confers a power of arrest without warrant upon—
- (a) a constable, or
  - (b) persons in general (as distinct from persons of any description specified in or for the purposes of the enactment),
- shall cease to have effect to the extent that it is not already spent.

<i>Short title and chapter</i>	<i>Enactment affected</i>
Unlawful Drilling Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 1)	Section 2 (power to disperse unlawful meeting).
Military Lands Act 1892 (c. 43)	Section 17(2) (powers relating to breaches of byelaws).
London County Council (General Powers) Act 1894 (c. ccxii)	Section 7 (arrest for breach of byelaws).
London County Council (General Powers) Act 1900 (c. cclxviii)	Section 27 (arrest for breach of byelaws).
Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)	Article 19 (power of detention) of the Order set out in the Schedule.
Theft Act 1968 (c. 60)	In Schedule 1 (offences of taking or destroying fish), paragraph 2(4).
Lotteries and Amusements Act 1976 (c. 32)	In section 19 (search warrants), the second paragraph (b).
Animal Health Act 1981 (c. 22)	Section 60 (duties and authorities of constables).

**Commencement Information**

**I117** Sch. 7 para. 38 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

### PART 3

#### AMENDMENTS RELATING TO REFERENCES TO ARRESTABLE OFFENCES AND SERIOUS ARRESTABLE OFFENCES

##### *Criminal Law Act 1826 (c. 64)*

- 39 In section 28 of the Criminal Law Act 1826 (which confers power to order the payment of compensation to those who have helped apprehend an offender), for “an arrestable offence” substitute “an indictable offence”.

##### **Commencement Information**

**I118** Sch. 7 para. 39 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

##### *Criminal Law Act 1967 (c. 58)*

- 40 (1) The Criminal Law Act 1967 is amended as follows.
- (2) In section 4 (penalties for assisting offenders)—
- (a) in subsection (1)—
- (i) for “an arrestable offence” substitute “a relevant offence”,
- (ii) for “other arrestable offence” substitute “other relevant offence”,
- (b) for subsection (1A) substitute—
- “(1A) In this section and section 5 below, “relevant offence” means—
- (a) an offence for which the sentence is fixed by law,
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of five years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates' Courts Act 1980).”
- (c) in subsection (2), for “an arrestable offence” substitute “a relevant offence”.
- (3) In section 5 (penalties for concealing offences or giving false information), in subsection (1)—
- (a) for “an arrestable offence” substitute “a relevant offence”,
- (b) for “other arrestable offence” substitute “other relevant offence”.

##### **Commencement Information**

**I119** Sch. 7 para. 40 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

##### *Port of London Act 1968 (c. xxxii)*

- 41 (1) The Port of London Act 1968 is amended as follows.
- (2) In section 2 (interpretation), omit the definition of “arrestable offence”.
- (3) In section 156 (powers of constables), in subsection (2), for “arrestable”, in each place where it occurs, substitute “indictable”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

#### **Commencement Information**

**I120** Sch. 7 para. 41 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

#### *Solicitors Act 1974 (c. 47)*

42 (1) The Solicitors Act 1974 is amended as follows.

<sup>F15</sup>(2) . . . . .

(3) In section 13B (suspension of practising certificates where solicitors convicted of fraud or serious crime), in subsection (1)(a), for sub-paragraph (ii) substitute—  
 “(ii) an indictable offence; and”.

#### **Textual Amendments**

**F15** Sch. 7 para. 42(2) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xii)

#### **Commencement Information**

**I121** Sch. 7 para. 42 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

#### *Police and Criminal Evidence Act 1984 (c. 60)*

43 (1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 4 (road checks)—

- (a) for “a serious arrestable offence”, in each place where it occurs, substitute “an indictable offence”,
- (b) in subsection (14), for “serious arrestable offence” substitute “indictable offence”.

(3) In section 8 (powers to authorise entry and search), for “a serious arrestable offence”, in both places, substitute “an indictable offence”.

(4) In section 17 (entry for purpose of arrest etc.), in subsection (1)(b), for “arrestable” substitute “indictable”.

(5) In section 18 (entry and search after arrest), in subsection (1), for “arrestable”, in both places, substitute “indictable”.

(6) In section 32 (search upon arrest), in subsection (2), for paragraph (b) substitute—  
 “(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.”

(7) In section 42 (authorisation of continued detention), in subsection (1)(b), for “arrestable” substitute “indictable”.

(8) In section 43 (warrants of further detention), in subsection (4)(b), for “a serious arrestable offence” substitute “an indictable offence”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (9) In section 56 (right to have someone informed when arrested)—
- (a) in each of subsections (2)(a) and (5)(a), for “a serious arrestable offence” substitute “ an indictable offence ”,
  - (b) in subsection (5A)(a), for “the serious arrestable offence” substitute “ the indictable offence ”.
- (10) In section 58 (access to legal advice)—
- (a) in each of subsections (6)(a) and (8)(a), for “a serious arrestable offence” substitute “ an indictable offence ”,
  - (b) in subsection (8A)(a), for “the serious arrestable offence” substitute “ the indictable offence ”.
- (11) In section 114A (power to apply Act to officers of Secretary of State), in subsection (2)(c), for “a serious arrestable offence”, in both places, substitute “ an indictable offence ”.
- (12) Section 116 (meaning of “serious arrestable offence”) shall cease to have effect.
- (13) In Schedule 1 (special procedure material), in paragraph 2(a)(i), for “a serious arrestable offence” substitute “ an indictable offence ”.
- (14) Schedule 5 (serious arrestable offences) shall cease to have effect.

**Commencement Information**

**I122** Sch. 7 para. 43 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Administration of Justice Act 1985 (c. 61)*

- 44 In section 16 of the Administration of Justice Act 1985 (conditional licences for licensed conveyancers), in subsection (1)(ia), for “a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984)” substitute “ an indictable offence ”.

**Commencement Information**

**I123** Sch. 7 para. 44 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Housing Act 1985 (c. 68)*

- 45 In Part 1 of Schedule 2 to the Housing Act 1985 (which sets out grounds upon which a court may, if it considers it reasonable, order possession of dwelling-houses let under secure tenancies), in Ground 2, in paragraph (b)(ii), for “arrestable” substitute “ indictable ”.

**Commencement Information**

**I124** Sch. 7 para. 45 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

*Housing Act 1988 (c. 50)*

- 46 In Part 2 of Schedule 2 to the Housing Act 1988 (which sets out grounds on which a court may order possession of dwelling-houses let on assured tenancies), in Ground 14, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

**Commencement Information**

**I125** Sch. 7 para. 46 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

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

- 47 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 137 (cross-border powers of arrest etc.)—
- (a) in subsection (1), for “conditions applicable to this subsection are” substitute “condition applicable to this subsection is”,
- (b) for subsection (4) substitute—
- “(4) The condition applicable to subsection (1) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in England and Wales.”,
- (c) in subsection (9), for the definition of “arrestable offence” and “designated police station” substitute—
- ““arrestable offence” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (“the 1989 Order”);
- “designated police station” has the same meaning as in the Police and Criminal Evidence Act 1984 or, in relation to Northern Ireland, as in the 1989 Order; and”.
- (3) In section 138 (provisions supplementing section 137), in subsection (3), for “subsections (4)(b) and (6)(b)” substitute “subsection (6)(b)”.
- (4) In section 140 (reciprocal powers of arrest), in subsection (1), for “section 24(6) or (7) or 25” substitute “section 24”.
- (5) This paragraph extends to the whole of the United Kingdom.

**Commencement Information**

**I126** Sch. 7 para. 47 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Terrorism Act 2000 (c. 11)*

- 48 (1) In Schedule 8 to the Terrorism Act 2000 (detention), in paragraph 8 (which relates to the rights of a person detained under Schedule 7 to or section 41 of that Act)—
- (a) in sub-paragraph (4), for “serious arrestable offence”, in each place where it occurs, substitute “serious offence”,

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (b) in sub-paragraph (9), for the words before paragraph (a) substitute “ In this paragraph, references to a “serious offence” are (in relation to England and Wales) to an indictable offence, and (in relation to Northern Ireland) to a serious arrestable offence within the meaning of Article 87 of the Police and Criminal Evidence (Northern Ireland) Order 1989; but also include— ”.

(2) This paragraph extends to the whole of the United Kingdom.

**Commencement Information**

**I127** Sch. 7 para. 48 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*International Criminal Court Act 2001 (c. 17)*

- 49 (1) The International Criminal Court Act 2001 is amended as follows.
- (2) In section 33 (entry, search and seizure), in subsection (2), for “a serious arrestable offence” substitute “ (in the case of Part 2 of the 1984 Act) to an indictable offence or (in the case of Part III of the 1989 Order) to a serious arrestable offence ”.
  - (3) In section 55 (meaning of “ancillary offence” under the law of England and Wales), in subsection (5), in each of paragraphs (a) and (b), for “an arrestable offence” substitute “ a relevant offence ”.
  - (4) This paragraph extends to England and Wales and to Northern Ireland (but not to Scotland).

**Commencement Information**

**I128** Sch. 7 para. 49 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Armed Forces Act 2001 (c. 19)*

F1650 .....

**Textual Amendments**

**F16** Sch. 7 para. 50 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

*Crime (International Co-operation) Act 2003 (c. 32)*

- 51 (1) The Crime (International Co-operation) Act 2003 is amended as follows.
- (2) In section 16 (extension of statutory search powers in England and Wales and Northern Ireland), in subsection (1)—
    - (a) for “serious arrestable offences” substitute “ indictable offences ”,
    - (b) in paragraph (b), for “a serious arrestable offence” substitute “ an indictable offence ”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (3) In section 17 (warrants in England and Wales or Northern Ireland), in subsection (3) —
- (a) for paragraph (b) substitute—
- “(b) the conduct constituting the offence which is the subject of the proceedings or investigation would (if it occurred in England and Wales) constitute an indictable offence, or (if it occurred in Northern Ireland) constitute an arrestable offence, and”,
- (b) in the definition of “arrestable offence”, omit the words “the Police and Criminal Evidence Act 1984 (c. 60) or (as the case may be)”.
- (4) This paragraph extends to the whole of the United Kingdom.

**Commencement Information**

**I129** Sch. 7 para. 51 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

**PART 4**

OTHER AMENDMENTS

*Game Laws (Amendment) Act 1960 (c. 36)*

- 52 (1) The Game Laws (Amendment) Act 1960 is amended as follows.
- (2) In section 2 (power of police to enter on land), in subsection (1)(b), for “section 25” substitute “ section 24 ”.
- (3) In section 4 (further provisions as to seizure and forfeiture), in subsection (1), for “section 25” substitute “ section 24 ”.

**Commencement Information**

**I130** Sch. 7 para. 52 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Immigration Act 1971 (c. 77)*

- 53 In section 28A of the Immigration Act 1971 (arrest without warrant), in each of subsections (1) and (9A), for “A constable or” substitute “ An ”.

**Commencement Information**

**I131** Sch. 7 para. 53 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Customs and Excise Management Act 1979 (c. 2)*

- 54 In section 138 of the Customs and Excise Management Act 1979 (provisions about arrest), in subsection (4)(b), after “section 24” insert “ or 24A ”. This paragraph has the same extent as that Act.

*Status: Point in time view as at 07/10/2013.*

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**Commencement Information**

**I132** Sch. 7 para. 54 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Animal Health Act 1981 (c. 22)*

- 55 (1) The Animal Health Act 1981 is amended as follows.
- (2) In section 61 (powers of arrest as to rabies)—
- (a) in subsection (2), after “applies” insert “ for the purposes of section 17(1) (caa) of the Police and Criminal Evidence Act 1984 ”,
  - (b) for the heading substitute “ Powers of entry and search in relation to rabies offences ”.
- (3) For the heading to section 62 (entry and search under section 61) substitute “ Entry and search in exercise of powers to seize animals ”.

**Commencement Information**

**I133** Sch. 7 para. 55 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Wildlife and Countryside Act 1981 (c. 69)*

- 56 In section 19 of the Wildlife and Countryside Act 1981 (enforcement), in subsection (2), for “section 25” substitute “ section 24 ”. This paragraph extends also to Scotland.

**Commencement Information**

**I134** Sch. 7 para. 56 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Aviation Security Act 1982 (c. 36)*

- 57 In section 13 of the Aviation Security Act 1982 (power to require aerodrome managers to promote searches at airports), in subsection (5)(a), for “25” substitute “ 24A ”. This paragraph has the same extent as that Act.

**Commencement Information**

**I135** Sch. 7 para. 57 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Police and Criminal Evidence Act 1984 (c. 60)*

- 58 In section 17 of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc.), in subsection (1)—
- (a) for paragraph (c)(iia) substitute—  
“(iia) section 4 (driving etc. when under influence of drink or drugs) or 163 (failure to stop when

*Status: Point in time view as at 07/10/2013.*

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- required to do so by constable in uniform) of the Road Traffic Act 1988;
- (iiib) section 27 of the Transport and Works Act 1992 (which relates to offences involving drink or drugs);”,
- (b) after paragraph (ca) insert—
- “(caa) of arresting a person for an offence to which section 61 of the Animal Health Act 1981 applies;”.

**Commencement Information**

**I136** Sch. 7 para. 58 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Road Traffic Act 1988 (c. 52)*

- 59 In section 184 of the Road Traffic Act 1988 (application of sections 5 to 10 of that Act to persons subject to service discipline), for subsection (2) substitute—

“(2) A member of the provost staff may arrest a person for the time being subject to service discipline without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under section 4.

(2A) The power conferred by subsection (2) is exercisable outside as well as within Great Britain.”This paragraph has the same extent as section 184 of that Act.

**Commencement Information**

**I137** Sch. 7 para. 59 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Aviation and Maritime Security Act 1990 (c. 31)*

- 60 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (10)(a), for “25” substitute “ 24A ”. This paragraph has the same extent as that Act.

**Commencement Information**

**I138** Sch. 7 para. 60 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Deer Act 1991 (c. 54)*

- 61 In section 12 of the Deer Act 1991 (powers of search, arrest and seizure), in subsection (2)(b), for “section 25” substitute “ section 24 ”.

**Commencement Information**

**I139** Sch. 7 para. 61 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

*Gangmasters (Licensing) Act 2004 (c. 11)*

- 62 The Gangmasters (Licensing) Act 2004 is amended as follows—
- (a) in section 14 (offences: supplementary), in subsection (1), for “section 24(4) and (5)” substitute “ section 24A ”,
  - (b) in Schedule 2 (application of Act to Northern Ireland), in paragraph 14, for “section 24(4) and (5)” substitute “ section 24A ”.

This paragraph has the same extent as that Act.

**Commencement Information**

**I140** Sch. 7 para. 62 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

*Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*

- 63 The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is amended as follows—
- (a) in section 2 (entering U.K. without passport, etc.), in subsection (10), for “a constable or” substitute “ an ”,
  - (b) in section 35 (deportation or removal: cooperation), in subsection (5), for “a constable or” substitute “ an ”.

**Commencement Information**

**I141** Sch. 7 para. 63 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(m)

SCHEDULE 8

Section 122

POWERS OF DESIGNATED AND ACCREDITED PERSONS

**PART 1**

DESIGNATED PERSONS

- 1 Schedule 4 to the Police Reform Act 2002 (c. 30) (powers exercisable by police civilians) is amended as follows.

**Commencement Information**

**I142** Sch. 8 para. 1 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(i)

*Community support officers*

- 2 After paragraph 1 insert—

*Status: Point in time view as at 07/10/2013.*

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### “Power to require name and address

- 1A (1) This paragraph applies if a designation applies it to any person.
- (2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not to all) relevant offences or relevant licensing offences, being in each case specified in the designation.
- (3) Subject to sub-paragraph (4), where that person has reason to believe that another person has committed a relevant offence in the relevant police area, or a relevant licensing offence (whether or not in the relevant police area), he may require that other person to give him his name and address.
- (4) The power to impose a requirement under sub-paragraph (3) in relation to an offence under a relevant byelaw is exercisable only in a place to which the byelaw relates.
- (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(aa), sub-paragraph (3) of this paragraph shall have effect as if for the words “has committed a relevant offence in the relevant police area” there were substituted “ in the relevant police area has committed a relevant offence ”.
- (7) In this paragraph, “relevant offence”, “relevant licensing offence” and “relevant byelaw” have the meaning given in paragraph 2 (reading accordingly the references to “this paragraph” in paragraph 2(6)).”

#### Commencement Information

**I143** Sch. 8 para. 2 in force at 1.7.2005 for specified purposes by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

**I144** Sch. 8 para. 2 in force at 1.1.2006 in so far as not already in force by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

- 3 (1) Paragraph 2 (power to detain etc.) is amended as follows.
- (2) For sub-paragraph (2) substitute—
- “(2) A designation may not apply this paragraph to any person unless a designation also applies paragraph 1A to him.”
- (3) In sub-paragraph (3)—
- (a) for “sub-paragraph (2)” substitute “ paragraph 1A(3) ”,
- (b) at the end add the following new sentence— “ This sub-paragraph does not apply if the requirement was imposed in connection with a relevant licensing offence mentioned in paragraph (a), (c) or (f) of sub-paragraph (6A) believed to have been committed on licensed premises (within the meaning of the Licensing Act 2003). ”
- (4) After sub-paragraph (3) insert—

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“(3A) Where—

- (a) a designation applies this paragraph to any person (“the CSO”); and
- (b) by virtue of a designation under paragraph 1A the CSO has the power to impose a requirement under sub-paragraph (3) of that paragraph in relation to an offence under a relevant byelaw,

the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.

(3B) Where a person to whom this paragraph applies (“the CSO”) has reason to believe that another person is committing an offence under section 3 or 4 of the Vagrancy Act 1824, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding thirty minutes, for the arrival of a constable.”

(5) In sub-paragraph (4), after “(3)” insert “ or (3B) ”.

(6) In sub-paragraph (5)—

- (a) omit paragraph (a),
- (b) in paragraph (b), after “(3)” insert “ or (3B) ”.

(7) In sub-paragraph (6), after the paragraph (ab) inserted by paragraph 13(2) of Schedule 13 to this Act, insert—

- “(ac) an offence under section 3 or 4 of the Vagrancy Act 1824; or
- (ad) an offence under a relevant byelaw; or”.

(8) After sub-paragraph (6) insert—

“(6A) In this paragraph “relevant licensing offence” means an offence under any of the following provisions of the Licensing Act 2003—

- (a) section 141 (otherwise than by virtue of subsection (2)(c) or (3) of that section);
- (b) section 142;
- (c) section 146(1);
- (d) section 149(1)(a), (3)(a) or (4)(a);
- (e) section 150(1);
- (f) section 150(2) (otherwise than by virtue of subsection (3)(b) of that section);
- (g) section 152(1) (excluding paragraph (b)).

(6B) In this paragraph “relevant byelaw” means a byelaw included in a list of byelaws which—

- (a) have been made by a relevant body with authority to make byelaws for any place within the relevant police area; and
- (b) the chief officer of the police force for the relevant police area and the relevant body have agreed to include in the list.

(6C) The list must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

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- (6D) A list of byelaws mentioned in sub-paragraph (6B) may be amended from time to time by agreement between the chief officer and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6C).
- (6E) A relevant body for the purposes of sub-paragraph (6B) is—
- (a) in England, a county council, a district council, a London borough council or a parish council; or in Wales, a county council, a county borough council or a community council;
  - (b) the Greater London Authority;
  - (c) Transport for London;
  - (d) a metropolitan county passenger transport authority established under section 28 of the Local Government Act 1985;
  - (e) any body specified in an order made by the Secretary of State.
- (6F) An order under sub-paragraph (6E)(e) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (6B) (b) and (6D) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).”

(9) Omit sub-paragraph (7).

(10) At the end add—

“(8) The application of any provision of this paragraph by paragraph 3(2), 3A(2) or 7A(8) has no effect unless a designation under this paragraph has applied this paragraph to the CSO in question.”

#### **Commencement Information**

**I145** Sch. 8 para. 3(1) (2) (3)(a) (4)-(7) (9) (10) in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

**I146** Sch. 8 para. 3(3)(b) in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

**I147** Sch. 8 para. 3(8) in force at 1.7.2005 for specified purposes by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

**I148** Sch. 8 para. 3(8) in force at 1.1.2006 in so far as not already in force by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

4 After paragraph 2 insert—

#### **“Powers to search individuals and to seize and retain items**

- 2A (1) Where a designation applies this paragraph to any person, that person shall (subject to sub-paragraph (3)) have the powers mentioned in sub-paragraph (2) in relation to a person upon whom he has imposed a requirement to wait under paragraph 2(3) or (3B) (whether or not that person makes an election under paragraph 2(4)).
- (2) Those powers are the same powers as a constable has under section 32 of the 1984 Act in relation to a person arrested at a place other than a police station—
- (a) to search the arrested person if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others; and to seize and retain anything he finds on exercising that power, if the constable has reasonable grounds for believing that

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the person being searched might use it to cause physical injury to himself or to any other person;

- (b) to search the arrested person for anything which he might use to assist him to escape from lawful custody; and to seize and retain anything he finds on exercising that power (other than an item subject to legal privilege) if the constable has reasonable grounds for believing that the person being searched might use it to assist him to escape from lawful custody.

(3) If in exercise of the power conferred by sub-paragraph (1) the person to whom this paragraph applies seizes and retains anything by virtue of sub-paragraph (2), he must—

- (a) tell the person from whom it was seized where inquiries about its recovery may be made; and
- (b) comply with a constable's instructions about what to do with it.”

**Commencement Information**

**I149** Sch. 8 para. 4 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

- 5 In paragraph 3 (power to require name and address of person acting in anti-social manner), in sub-paragraph (2), for “sub-paragraph (2) of that paragraph” substitute “ paragraph 1A(3) ”.

**Commencement Information**

**I150** Sch. 8 para. 5 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

- 6 After paragraph 3 insert—

**“Power to require name and address: road traffic offences**

3A (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable—

- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address; and
- (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address.

(2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under paragraph 1A(3).

(3) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 11B(4) and 12(2) of this Schedule.”

*Status: Point in time view as at 07/10/2013.*

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**Commencement Information**

**I151** Sch. 8 para. 6 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

- 7 In paragraph 4 (power to use reasonable force to detain person)—
- (a) in sub-paragraph (2)(b), after “paragraph” insert “ 1A or ”,
  - (b) in sub-paragraph (3), for “paragraph 2(2)” substitute “ paragraph 1A(3) ”.

**Commencement Information**

**I152** Sch. 8 para. 7 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

- 8 After paragraph 7 insert—

**“Search and seizure powers: alcohol and tobacco**

- 7A (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall have the powers set out below.
- (2) Where—
    - (a) in exercise of the powers referred to in paragraph 5 or 6 the CSO has imposed, under section 12(2) of the Criminal Justice and Police Act 2001 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol or a container for alcohol;
    - (b) that person fails to comply with that requirement; and
    - (c) the CSO reasonably believes that the person has alcohol or a container for alcohol in his possession,
 the CSO may search him for it.
  - (3) Where—
    - (a) in exercise of the powers referred to in paragraph 7 the CSO has sought to seize something which by virtue of that paragraph he has a power to seize;
    - (b) the person from whom he sought to seize it fails to surrender it; and
    - (c) the CSO reasonably believes that the person has it in his possession,
 the CSO may search him for it.
  - (4) The power to search conferred by sub-paragraph (2) or (3)—
    - (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and
    - (b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves.
  - (5) A person who without reasonable excuse fails to consent to being searched is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
  - (6) A CSO who proposes to exercise the power to search a person under sub-paragraph (2) or (3) must inform him that failing without reasonable excuse to consent to being searched is an offence.

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- (7) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.
- (8) Sub-paragraph (3) of paragraph 2 applies in the case of a requirement imposed by virtue of sub-paragraph (7) as it applies in the case of a requirement under paragraph 1A(3); and sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.
- (9) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

### **Powers to seize and detain: controlled drugs**

- 7B (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall, within the relevant police area, have the powers set out in sub-paragraphs (2) and (3).
- (2) If the CSO—
    - (a) finds a controlled drug in a person's possession (whether or not he finds it in the course of searching the person by virtue of a designation under any paragraph of this Schedule); and
    - (b) reasonably believes that it is unlawful for the person to be in possession of it,the CSO may seize it and retain it.
  - (3) If the CSO—
    - (a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)); or
    - (b) reasonably believes that a person is in possession of a controlled drug,and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.
  - (4) If in exercise of the power conferred by sub-paragraph (2) the CSO seizes and retains a controlled drug, he must—
    - (a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and
    - (b) comply with a constable's instructions about what to do with it.
  - (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
  - (6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

### **Powers to seize and detain: controlled drugs**

- 7C (1) Sub-paragraph (2) applies where a designation applies this paragraph to any person (“the CSO”).
- (2) If the CSO imposes a requirement on a person under paragraph 7B(3)—

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- (a) sub-paragraph (3) of paragraph 2 applies in the case of such a requirement as it applies in the case of a requirement under paragraph 1A(3); and
- (b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.”

**Commencement Information**

**I153** Sch. 8 para. 8 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

9 After paragraph 8 insert—

**“Entry to investigate licensing offences**

- 8A (1) Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 180 of the Licensing Act 2003 to enter and search premises other than clubs in the relevant police area, but only in respect of a relevant licensing offence (as defined for the purposes of paragraph 2).
- (2) Except as mentioned in sub-paragraph (3), a person to whom this paragraph applies shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.
- (3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the person to whom this paragraph applies reasonably believes that a premises licence under Part 3 of the Licensing Act 2003 authorises the sale of alcohol for consumption off the premises.”

**Commencement Information**

**I154** Sch. 8 para. 9 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

10 After paragraph 11A insert—

**“Power to control traffic for purposes other than escorting a load of exceptional dimensions**

- 11B (1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
  - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 12(1).
- (3) Where a designation applies this paragraph to any person, that person shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle

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to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

(4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose designation applies this paragraph to him, as if the references to a constable were references to him.

(5) A designation may not apply this paragraph to any person unless a designation also applies paragraph 3A to him.”

**Commencement Information**

**I155** Sch. 8 para. 10 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

11 After paragraph 13 insert—

**“Power to place traffic signs**

13A(1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area, the powers of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.

(2) Section 36 of the Road Traffic Act 1988 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by virtue of sub-paragraph (1).”

**Commencement Information**

**I156** Sch. 8 para. 11 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

12 After paragraph 15 insert—

**“Photographing of persons arrested, detained or given fixed penalty notices**

15ZA Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph of a person elsewhere than at a police station.”

**Commencement Information**

**I157** Sch. 8 para. 12 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(r\)](#)

*Investigating officers*

13 In paragraph 16 (search warrants)—

(a) in paragraph (a), for “in the relevant police area” substitute “ whether in the relevant police area or not ”,

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- (b) in paragraph (e), for “in respect of premises in the relevant police area” substitute “, but in respect of premises in the relevant police area only,”.

**Commencement Information**

**I158** Sch. 8 para. 13 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

- 14 After paragraph 16 insert—

“16A Where a designation applies this paragraph to any person—

- (a) the persons to whom a warrant may be addressed under section 26 of the Theft Act 1968 (search for stolen goods) shall, in relation to persons or premises in the relevant police area, include that person; and
- (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

16B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if, in relation to premises in the relevant police area, the reference to a constable included a reference to that person.”

**Commencement Information**

**I159** Sch. 8 para. 14 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

- 15 In paragraph 17 (access to excluded and special procedure material)—

- (a) in paragraph (b)(ii), at the end add “ (in the case of a specific premises warrant) or any premises, whether in the relevant police area or not (in the case of an all premises warrant); ”,
- (b) in paragraph (bc), for “in respect of premises in the relevant police area” substitute “, but in respect of premises in the relevant police area only,”.

**Commencement Information**

**I160** Sch. 8 para. 15 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(i\)](#)

*Detention officers*

- 16 After paragraph 33 insert—

**“Taking of impressions of footwear**

33A Where a designation applies this paragraph to any person—

- (a) he shall, at any police station in the relevant police area, have the powers of a constable under section 61A of the 1984 Act (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and
- (b) the requirement by virtue of section 61A(5)(a) of the 1984 Act that a person must be informed by an officer that an impression of his

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footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.”

**Commencement Information**

**I161** Sch. 8 para. 16 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(r)

**PART 2**

ACCREDITED PERSONS

- 17 Schedule 5 to the Police Reform Act 2002 (c. 30) (powers exercisable by accredited persons) is amended as follows.

**Commencement Information**

**I162** Sch. 8 para. 17 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(i)

- 18 In paragraph 2 (power to require giving of name and address), in sub-paragraph (3), after paragraph (a) insert—  
“(aa) an offence under section 3 or 4 of the Vagrancy Act 1824; or”.

**Commencement Information**

**I163** Sch. 8 para. 18 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(i)

- 19 After paragraph 3 insert—

**“Power to require name and address: road traffic offences**

- 3A (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable—
- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address; and
  - (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address.
- (2) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 8B(4) and 9(2) of this Schedule.”

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**Commencement Information**

**I164** Sch. 8 para. 19 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(i)

20 After paragraph 8A insert—

**“Power to control traffic for purposes other than escorting a load of exceptional dimensions**

- 8B (1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
  - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 9(1).
- (3) A person whose accreditation specifies that this paragraph applies to him shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.
- (4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in subparagraphs (1) and (3), for the purposes for which they may be exercised and by a person whose accreditation specifies that this paragraph applies to him, as if the references to a constable were references to him.
- (5) A person's accreditation may not specify that this paragraph applies to him unless it also specifies that paragraph 3A applies to him.”

**Commencement Information**

**I165** Sch. 8 para. 20 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(i)

21 After paragraph 9 insert—

**“Photographing of persons given fixed penalty notices**

- 9ZA An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph, elsewhere than at a police station, of a person to whom the accredited person has given a penalty notice (or as the case may be a fixed penalty notice) in exercise of any power mentioned in paragraph 1(2).”

*Status: Point in time view as at 07/10/2013.*

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**Commencement Information**

**I166** Sch. 8 para. 21 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(r)

SCHEDULE 9

Section 122

ADDITIONAL POWERS AND DUTIES OF DESIGNATED PERSONS

- 1 Schedule 4 to the Police Reform Act 2002 (c. 30) (powers exercisable by police civilians) is amended as follows.

**Commencement Information**

**I167** Sch. 9 para. 1 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(j)

*Community Support Officers*

- 2 In paragraph 2 (power to detain etc.), after sub-paragraph (4) insert—
- “(4A) If a person has imposed a requirement under sub-paragraph (3) or (3B) on another person (“P”), and P does not make an election under sub-paragraph (4), the person imposing the requirement shall, if a constable arrives within the thirty-minute period, be under a duty to remain with the constable and P until he has transferred control of P to the constable.
- (4B) If, following an election under sub-paragraph (4), the person imposing the requirement under sub-paragraph (3) or (3B) (“the CSO”) takes the person upon whom it is imposed (“P”) to a police station, the CSO—
- (a) shall be under a duty to remain at the police station until he has transferred control of P to the custody officer there;
  - (b) until he has so transferred control of P, shall be treated for all purposes as having P in his lawful custody; and
  - (c) for so long as he is at the police station, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent P's escape and to assist in keeping P under control.”

**Commencement Information**

**I168** Sch. 9 para. 2 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(j)

- 3 In paragraph 4 (power to use reasonable force to detain person)—
- (a) in sub-paragraph (2)(b), after “relevant offences” insert “ or relevant licensing offences ”,
  - (b) in sub-paragraph (3), after “making off” insert “ and to keep him under control ”.

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**Commencement Information**

**I169** Sch. 9 para. 3 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

4 After paragraph 4 insert—

“4ZA Where a designation applies this paragraph to any person, that person may, if he has imposed a requirement on any person to wait with him under paragraph 2(3B) or by virtue of paragraph 7A(8) or 7C(2)(a), use reasonable force to prevent that other person from making off and to keep him under control while he is either—

- (a) subject to that requirement; or
- (b) accompanying the designated person to a police station in accordance with an election made under paragraph 2(4).

4ZB Where a designation applies this paragraph to any person, that person, if he is complying with any duty under sub-paragraph (4A) or (4B) of paragraph 2, may use reasonable force to prevent P (as identified in those sub-paragraphs) from making off (or escaping) and to keep him under control.”

**Commencement Information**

**I170** Sch. 9 para. 4 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

*Investigating officers*

5 In paragraph 22 (power to transfer persons into custody of investigating officers), in sub-paragraph (2)—

- (a) in paragraph (b), after “duty” insert “ to keep that person under control and ”,
- (b) in paragraph (c), at the end add “ and under his control ”.

**Commencement Information**

**I171** Sch. 9 para. 5 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

6 After paragraph 22 insert—

*“Powers in respect of detained persons*

22A Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

- (a) to assist any officer or other designated person to keep any person detained at the police station under control; and
- (b) to prevent the escape of any such person,

and for those purposes shall be entitled to use reasonable force.”

**Commencement Information**

**I172** Sch. 9 para. 6 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

*Status: Point in time view as at 07/10/2013.*

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### *Detention officers*

7 After paragraph 33A (inserted by paragraph 16 of Schedule 8 to this Act) insert—

#### *“Powers in respect of detained persons*

33B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
- (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
- (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

#### *Powers in respect of detained persons*

33C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—

- (a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station in the relevant police area, or
- (b) escorting within a police station in the relevant police area, or assisting an officer or another designated person to escort within such a police station, a person detained there.”

#### **Commencement Information**

**I173** Sch. 9 para. 7 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

### *Escort officers*

8 (1) Paragraph 34 (power to take an arrested person to a police station) is amended as follows.

(2) In sub-paragraph (1)(c)—

- (a) in paragraph (ii), after “duty” insert “ to keep the person under control and ”,
- (b) in paragraph (iii), at the end add “ and under his control ”.

(3) After sub-paragraph (1)(c) add—

- “(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
  - (i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;
  - (ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;

*Status: Point in time view as at 07/10/2013.*

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- (iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
- (iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).”

**Commencement Information**

**I174** Sch. 9 para. 8 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

- 9 (1) Paragraph 35 (escort of persons in police detention) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) in paragraph (b), after “duty” insert “ to keep the person under control and ”,
  - (b) in paragraph (c), at the end add “ and under his control ”.
- (3) After sub-paragraph (3) insert—
- “(3A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1) or (2) —
- (a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person there;
  - (b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
  - (c) for so long as he is at the police station or other place, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
  - (d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).”

**Commencement Information**

**I175** Sch. 9 para. 9 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(j\)](#)

PROSPECTIVE

*Staff custody officers*

<sup>F17</sup>10 .....

**Textual Amendments**

**F17** Sch. 9 para. 10 repealed (12.1.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(b), [Sch. 8 Pt. 13](#)

*Status: Point in time view as at 07/10/2013.*

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## SCHEDULE 10

Section 144

### PARENTAL COMPENSATION ORDERS

#### PART 1

##### ENGLAND AND WALES

- 1 The Crime and Disorder Act 1998 (c. 37) is amended as provided in paragraphs 2 to 5.

#### Commencement Information

**I176** Sch. 10 para. 1 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

- 2 After section 13 insert—

#### “13A Parental compensation orders

- (1) A magistrates' court may make an order under this section (a “parental compensation order”) if on the application of a local authority it is satisfied, on the civil standard of proof—
- that the condition mentioned in subsection (2) below is fulfilled with respect to a child under the age of 10; and
  - that it would be desirable to make the order in the interests of preventing a repetition of the behaviour in question.
- (2) The condition is that the child has taken, or caused loss of or damage to, property in the course of—
- committing an act which, if he had been aged 10 or over, would have constituted an offence; or
  - acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (3) A parental compensation order is an order which requires any person specified in the order who is a parent or guardian of the child (other than a local authority) to pay compensation of an amount specified in the order to any person or persons specified in the order who is, or are, affected by the taking of the property or its loss or damage.
- (4) The amount of compensation specified may not exceed £5,000 in all.
- (5) The Secretary of State may by order amend subsection (4) above so as to substitute a different amount.
- (6) For the purposes of collection and enforcement, a parental compensation order is to be treated as if it were a sum adjudged to be paid on the conviction by the magistrates' court which made the order of the person or persons specified in the order as liable to pay the compensation.
- (7) In this section and sections 13B and 13C below, “local authority” has the same meaning as in the 1989 Act.

*Status: Point in time view as at 07/10/2013.*

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### **13B Parental compensation orders: the compensation**

- (1) When specifying the amount of compensation for the purposes of section 13A(3) above, the magistrates' court shall take into account—
  - (a) the value of the property taken or damaged, or whose loss was caused, by the child;
  - (b) any further loss which flowed from the taking of or damage to the property, or from its loss;
  - (c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);
  - (d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);
  - (e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;
  - (f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it easier for the child to take or damage the property or to cause its loss.
- (2) If property taken is recovered before compensation is ordered to be paid in respect of it—
  - (a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;
  - (b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.
- (3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).
- (4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court, within such period as it may specify in the order, such a statement of his financial circumstances as the court may require.
- (5) A person who without reasonable excuse fails to comply with an order under subsection (4) above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If, in providing a statement of his financial circumstances pursuant to an order under subsection (4) above, a person—
  - (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly provides a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Proceedings in respect of an offence under subsection (6) above may, despite anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of

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the offence or within six months of its first discovery by the local authority, whichever period expires earlier.

### **13C Parental compensation orders: supplemental**

- (1) Before deciding whether or not to make a parental compensation order in favour of any person, the magistrates' court shall take into account the views of that person about whether a parental compensation order should be made in his favour.
- (2) Before making a parental compensation order, the magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (3) Before making a parental compensation order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—
  - (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under subsection (4)(b) below) as a result of failure to comply with any of those requirements;
  - (c) that the court has power (under subsection (4)(a) below) to review the order on the application either of the parent or guardian or of the local authority.
- (4) A magistrates' court which has made a parental compensation order may make an order under subsection (5) below if while the order is in force—
  - (a) it appears to the court, on the application of the local authority, or the parent or guardian subject to the order, that it is appropriate to make an order under subsection (5); or
  - (b) it is proved to the satisfaction of the court, on the application of the local authority, that the parent or guardian subject to it has failed to comply with any requirement included in the order.
- (5) An order under this subsection is an order discharging the parental compensation order or varying it—
  - (a) by cancelling any provision included in it; or
  - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (6) Where an application under subsection (4) above for the discharge of a parental compensation order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (7) References in this section to the magistrates' court which made a parental compensation order include any magistrates' court acting in the same local justice area as that court.

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### **13D Parental compensation orders: appeal**

- (1) If a magistrates' court makes a parental compensation order, the parent or guardian may appeal against the making of the order, or against the amount of compensation specified in the order.
- (2) The appeal lies to the Crown Court.
- (3) On the appeal the Crown Court—
  - (a) may make such orders as may be necessary to give effect to its determination of the appeal;
  - (b) may also make such incidental or consequential orders as appear to it to be just.
- (4) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of section 13C above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the Crown Court.
- (5) A person in whose favour a parental compensation order is made shall not be entitled to receive any compensation under it until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

### **13E Effect of parental compensation order on subsequent award of damages in civil proceedings**

- (1) This section has effect where—
  - (a) a parental compensation order has been made in favour of any person in respect of any taking or loss of property or damage to it; and
  - (b) a claim by him in civil proceedings for damages in respect of the taking, loss or damage is then to be determined.
- (2) The damages in the civil proceedings shall be assessed without regard to the parental compensation order, but the claimant may recover only an amount equal to the aggregate of the following—
  - (a) any amount by which they exceed the compensation; and
  - (b) a sum equal to any portion of the compensation which he fails to recover.
- (3) The claimant may not enforce the judgment, so far as it relates to such a sum as is mentioned in subsection (2)(b) above, without the permission of the court.”

#### **Commencement Information**

**I177** Sch. 10 para. 2 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

- 3 (1) Section 8 (parenting orders) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—

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“(aa) a parental compensation order is made in relation to a child's behaviour;”.

(3) In subsection (6)(a)—

(a) after “paragraph (a)” insert “, (aa)”,

(b) after “child safety order,” insert “ parental compensation order,”.

**Commencement Information**

**I178** Sch. 10 para. 3 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

4 In section 18 (interpretation of Chapter 1), in subsection (1), after the definition of “local child curfew scheme” insert—

““parental compensation order” has the meaning given by section 13A(1) above;”.

**Commencement Information**

**I179** Sch. 10 para. 4 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

5 In section 114 (orders and regulations), in subsection (3), after “section” insert “ 13A(5), ”.

**Commencement Information**

**I180** Sch. 10 para. 5 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

6 The amendments made by paragraph 2 of this Schedule do not apply in relation to any conduct which occurred before the coming into force of that paragraph.

**Commencement Information**

**I181** Sch. 10 para. 6 in force at 20.7.2006 for specified purposes by S.I. 2006/1871, art. 2

PROSPECTIVE

**PART 2**

NORTHERN IRELAND

7 The Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) is amended as provided in paragraphs 8 and 9.

8 After Article 36 insert—

**Parental compensation orders**

“36ZA) A magistrates' court may make an order under this Article (a “parental compensation order”) if on the application of a person of a description

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specified for the purpose in an order made by the Secretary of State (referred to in this Article and in Articles 36ZB and 36ZC as the “applicant”) the court is satisfied, on the civil standard of proof—

- (a) that the condition mentioned in paragraph (2) is fulfilled with respect to a child under the age of 10; and
  - (b) that it would be desirable to make the order in the interests of preventing a repetition of the behaviour in question.
- (2) The condition is that the child has taken, or caused loss of or damage to, property in the course of—
- (a) committing an act which, if he had been aged 10 or over, would have constituted an offence; or
  - (b) acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (3) A parental compensation order is an order which requires any person specified in the order who is a parent or guardian of the child to pay compensation of an amount specified in the order to any person or persons specified in the order who is, or are, affected by the taking of the property or its loss or damage.
- (4) The amount of compensation specified may not exceed £5,000 in all.
- (5) The Secretary of State may by order amend paragraph (4) so as to substitute a different amount.
- (6) For the purposes of collection and enforcement, a parental compensation order is to be treated as if it were a sum adjudged to be paid on the conviction by the magistrates' court which made the order of the person or persons specified in the order as liable to pay the compensation.
- (7) An order under paragraph (1) or (5) is subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and, accordingly, section 5 of the Statutory Instruments Act 1946 (c. 36) applies to such an order.

### **Parental compensation orders: the compensation**

36ZB) When specifying the amount of compensation for the purposes of Article 36ZA(3), the magistrates' court shall take into account—

- (a) the value of the property taken or damaged, or whose loss was caused, by the child;
- (b) any further loss which flowed from the taking of or damage to the property, or from its loss;
- (c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);
- (d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);
- (e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;
- (f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it

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easier for the child to take or damage the property or to cause its loss.

- (2) If property taken is recovered before compensation is ordered to be paid in respect of it—
  - (a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;
  - (b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.
- (3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).
- (4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court, within such period as it may specify in the order, such a statement of his financial circumstances as the court may require.
- (5) A person who without reasonable excuse fails to comply with an order under paragraph (4) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If, in providing a statement of his financial circumstances pursuant to an order under paragraph (4), a person—
  - (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly provides a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Proceedings in respect of an offence under paragraph (6) may, despite anything in Article 19 of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months of its first discovery by the applicant, whichever period expires earlier.
- (8) Paragraphs (1)(e) and (4) to (7) do not apply in the case of an order specifying an authority as liable to pay the compensation.

#### **Parental compensation orders: supplemental**

- 36Z(1) Before deciding whether or not to make a parental compensation order in favour of any person, the magistrates' court shall take into account the views of that person about whether a parental compensation order should be made in his favour.
- (2) Before making a parental compensation order, the magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.

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- (3) Before making a parental compensation order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—
  - (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under paragraph (4)(b)) as a result of failure to comply with any of those requirements;
  - (c) that the court has power (under paragraph (4)(a)) to review the order on the application either of the parent or guardian or of the applicant.
- (4) A magistrates' court which has made a parental compensation order may make an order under paragraph (5) if while the order is in force—
  - (a) it appears to the court, on the application of the applicant, or the parent or guardian subject to the order, that it is appropriate to make an order under paragraph (5); or
  - (b) it is proved to the satisfaction of the court, on the application of the applicant, that the parent or guardian subject to it has failed to comply with any requirement included in the order.
- (5) An order under this paragraph is an order discharging the parental compensation order or varying it—
  - (a) by cancelling any provision included in it; or
  - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (6) Where an application under paragraph (4) for the discharge of a parental compensation order is dismissed, no further application for its discharge shall be made under that paragraph by any person except with the consent of the court which made the order.
- (7) References in this Article to the magistrates' court which made a parental compensation order include any magistrates' court acting for the same county court division as that court.

#### **Parental compensation orders: appeal**

- 36ZD) If a magistrates' court makes a parental compensation order, the parent or guardian may appeal against the making of the order, or against the amount of compensation specified in the order.
- (2) The appeal lies to the county court.
  - (3) On the appeal the county court—
    - (a) may make such orders as may be necessary to give effect to its determination of the appeal;
    - (b) may also make such incidental or consequential orders as appear to it to be just.
  - (4) Any order of the county court made on an appeal under this Article (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of Article 36ZC, be treated as if it were an order of

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the magistrates' court from which the appeal was brought and not an order of the county court.

- (5) A person in whose favour a parental compensation order is made shall not be entitled to receive any compensation under it until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

**Effect of parental compensation order on subsequent award of damages in civil proceedings**

36ZE) This Article has effect where—

- (a) a parental compensation order has been made in favour of any person in respect of any taking or loss of property or damage to it; and
- (b) a claim by him in civil proceedings for damages in respect of the taking, loss or damage is then to be determined.

(2) The damages in the civil proceedings shall be assessed without regard to the parental compensation order, but the claimant may recover only an amount equal to the aggregate of the following—

- (a) any amount by which they exceed the compensation; and
- (b) a sum equal to any portion of the compensation which he fails to recover.

(3) The claimant may not enforce the judgment, so far as it relates to such a sum as is mentioned in paragraph (2)(b), without the leave of the court.”

9 In Article 2 (interpretation), in paragraph (2), in the appropriate place insert—

““parental compensation order” has the meaning given by Article 36ZA(1);”.

10 The amendments made by paragraph 8 of this Schedule do not apply in relation to any conduct which occurred before the coming into force of that paragraph.

SCHEDULE 11

Section 159

INVESTIGATIONS INTO CONDUCT OF POLICE OFFICERS:  
ACCELERATED PROCEDURE IN SPECIAL CASES

1 Schedule 3 to the Police Reform Act 2002 (c. 30) is amended as follows.

**Commencement Information**

**1182** Sch. 11 para. 1 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(v)

2 In paragraph 20(1)—

- (a) for “until” substitute “until—
  - (a) the appropriate authority has certified the case as a special case under paragraph 20B(3) or 20E(3), or”; and
  - (b) the words from “a report” to the end become paragraph (b).

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**Commencement Information**

**I183** Sch. 11 para. 2 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(v)

3 After paragraph 20 insert—

*“Accelerated procedure in special cases*

- 20A (1) If, at any time before the completion of his investigation, a person appointed or designated to investigate a complaint or recordable conduct matter believes that the appropriate authority would, on consideration of the matter, be likely to consider that the special conditions are satisfied, he shall proceed in accordance with the following provisions of this paragraph.
- (2) If the person was appointed under paragraph 16, he shall submit to the appropriate authority—
- (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;
- and if he was appointed following a determination made by the Commission under paragraph 15 he shall send a copy of the statement and the report to the Commission.
- (3) If the person was appointed under paragraph 17 or 18 or designated under paragraph 19, he shall submit to the appropriate authority—
- (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;
- and shall send a copy of the statement and the report to the Commission.
- (4) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.
- (5) A statement and report may be submitted under this paragraph whether or not a previous statement and report have been submitted; but a second or subsequent statement and report may be submitted only if the person submitting them has grounds to believe that the appropriate authority will reach a different determination under paragraph 20B(2) or 20E(2).
- (6) After submitting a report under this paragraph, the person appointed or designated to investigate the complaint or recordable conduct matter shall continue his investigation to such extent as he considers appropriate.
- (7) The special conditions are that—
- (a) the person whose conduct is the subject matter of the investigation may have committed an imprisonable offence and that person's conduct is of a serious nature;
  - (b) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct justifying dismissal took place; and
  - (c) it is in the public interest for the person whose conduct is the subject matter of the investigation to cease to be a member of a police force, or to be a special constable, without delay.

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- (8) In sub-paragraph (7)—
- (a) in paragraph (a), “imprisonable offence” means an offence which is punishable with imprisonment in the case of a person aged 21 or over; and
  - (b) in paragraph (b), “conduct justifying dismissal” means conduct which is so serious that disciplinary proceedings brought in respect of it would be likely to result in a dismissal.
- (9) In paragraphs 20B to 20H “special report” means a report submitted under this paragraph.

*Investigations managed or carried out by  
Commission: action by appropriate authority*

- 20B (1) This paragraph applies where —
- (a) a statement and special report on an investigation carried out under the management of the Commission, or
  - (b) a statement and special report on an investigation carried out by a person designated by the Commission,
- are submitted to the appropriate authority under paragraph 20A(3).
- (2) The appropriate authority shall determine whether the special conditions are satisfied.
- (3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—
- (a) certify the case as a special case for the purposes of Regulation 11 of the Police (Conduct) Regulations 2004 (S.I. 2004/645); and
  - (b) subject to any request made under paragraph 20G(1), take such steps as are required by that Regulation in relation to a case so certified.
- (4) The reference in sub-paragraph (3) to Regulation 11 includes a reference to any corresponding provision replacing that Regulation.
- (5) If the appropriate authority determines that the special conditions are satisfied then it shall notify the Director of Public Prosecutions of its determination and send him a copy of the special report.
- (6) The appropriate authority shall notify the Commission of a certification under sub-paragraph (3).
- (7) If the appropriate authority determines—
- (a) that the special conditions are not satisfied, or
  - (b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,
- it shall submit to the Commission a memorandum under this sub-paragraph.
- (8) The memorandum required to be submitted under sub-paragraph (7) is one which—
- (a) notifies the Commission of its determination that those conditions are not satisfied or (as the case may be) that they are so satisfied but

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the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings; and

(b) (in either case) sets out its reasons for so determining.

(9) In this paragraph “special conditions” has the meaning given by paragraph 20A(7).

*Investigations managed or carried out by Commission: action by Commission*

20C (1) On receipt of a notification under paragraph 20B(6), the Commission shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(2) The notification required by sub-paragraph (1) is one setting out—

(a) the findings of the special report;

(b) the appropriate authority's determination under paragraph 20B(2); and

(c) the action that the appropriate authority is required to take as a consequence of that determination.

(3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (1) as they have effect in relation to the duties imposed on the Commission by that section.

(4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

*Investigations managed or carried out by Commission: action by Commission*

20D(1) On receipt of a memorandum under paragraph 20B(7), the Commission shall—

(a) consider the memorandum;

(b) determine, in the light of that consideration, whether or not to make a recommendation under paragraph 20H; and

(c) if it thinks fit to do so, make a recommendation under that paragraph.

(2) If the Commission determines not to make a recommendation under paragraph 20H, it shall notify the appropriate authority and the person appointed under paragraph 18 or designated under paragraph 19 of its determination.

*Other investigations: action by appropriate authority*

20E (1) This paragraph applies where—

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- (a) a statement and a special report on an investigation carried out by an appropriate authority on its own behalf, or
  - (b) a statement and a special report on an investigation carried out under the supervision of the Commission,
- are submitted to the appropriate authority under paragraph 20A(2) or (3).
- (2) The appropriate authority shall determine whether the special conditions are satisfied.
- (3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—
- (a) certify the case as a special case for the purposes of Regulation 11 of the Police (Conduct) Regulations 2004 (S.I. 2004/645); and
  - (b) subject to any request made under paragraph 20G(1), take such steps as are required by that Regulation in relation to a case so certified.
- (4) The reference in sub-paragraph (3) to Regulation 11 includes a reference to any corresponding provision replacing that Regulation.
- (5) If the appropriate authority determines that the special conditions are satisfied then it shall notify the Director of Public Prosecutions of its determination and send him a copy of the special report.
- (6) Where the statement and report were required under paragraph 20A(2) to be copied to the Commission, the appropriate authority shall notify the Commission of a certification under sub-paragraph (3).
- (7) If the appropriate authority determines—
- (a) that the special conditions are not satisfied, or
  - (b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,
- it shall notify the person appointed under paragraph 16 or 17 of its determination.
- (8) In this paragraph “special conditions” has the meaning given by paragraph 20A(7).

*Other investigations: action by appropriate authority*

- 20F (1) If the appropriate authority certifies a case under paragraph 20E(3), it shall give a notification—
- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (2) The notification required by sub-paragraph (1) is one setting out—
- (a) the findings of the report;
  - (b) the authority's determination under paragraph 20E(2); and

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- (c) the action that the authority is required to take in consequence of that determination.
- (3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (1) as they have effect in relation to the duties imposed on the appropriate authority by that section.
- (4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

*Special cases: Director of Public Prosecutions*

- 20G(1) On receiving a copy of a special report under paragraph 20B(5) or 20E(5), the Director of Public Prosecutions may request the appropriate authority not to bring disciplinary proceedings without his prior agreement, if the Director considers that bringing such proceedings might prejudice any future criminal proceedings.
- (2) The Director of Public Prosecutions—
    - (a) shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in a special report copied to him under paragraph 20B(5) or 20E(5); and
    - (b) where the special report was copied to him under paragraph 20B(5), shall send a copy of that notification to the Commission.
  - (3) It shall be the duty of the Commission to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a special report copied to him under paragraph 20B(5).
  - (4) It shall be the duty of the appropriate authority to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a special report copied to him under paragraph 20E(5).
  - (5) Those persons are—
    - (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and
    - (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

*Special cases: recommendation or direction of Commission*

- 20H(1) Where the appropriate authority has submitted, or is required to submit, a memorandum to the Commission under paragraph 20B(7), the Commission may make a recommendation to the appropriate authority that it should certify the case under paragraph 20B(3).

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- (2) If the Commission determines to make a recommendation under this paragraph, it shall give a notification—
  - (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (3) The notification required by sub-paragraph (2) is one setting out—
  - (a) the findings of the special report; and
  - (b) the Commission's recommendation under this paragraph.
- (4) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (2) as they have effect in relation to the duties imposed on the Commission by that section.
- (5) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (4), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (2) notification of the findings of the special report by sending that person a copy of the report.
- (6) It shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to certify the case and proceed accordingly.
- (7) If, after the Commission has made a recommendation under this paragraph, the appropriate authority does not certify the case under paragraph 20B(3)—
  - (a) the Commission may direct the appropriate authority so to certify it; and
  - (b) it shall be the duty of the appropriate authority to comply with the direction and proceed accordingly.
- (8) Where the Commission gives the appropriate authority a direction under this paragraph, it shall supply the appropriate authority with a statement of its reasons for doing so.
- (9) The Commission may at any time withdraw a direction given under this paragraph.
- (10) The appropriate authority shall keep the Commission informed of whatever action it takes in response to a recommendation or direction.

*Special cases: recommendation or direction of Commission*

- 20I (1) Where—
- (a) the Commission makes a recommendation under paragraph 20H in the case of an investigation of a complaint, and
  - (b) the appropriate authority notifies the Commission that the recommendation has been accepted,
- the Commission shall notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that

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fact and of the steps that have been, or are to be, taken by the appropriate authority to give effect to it.

- (2) Where in the case of an investigation of a complaint the appropriate authority—
- (a) notifies the Commission that it does not accept the recommendation made by the Commission under paragraph 20H, or
  - (b) fails to certify the case under paragraph 20B(3) and to proceed accordingly,
- it shall be the duty of the Commission to determine what (if any) further steps to take under paragraph 20H.
- (3) It shall be the duty of the Commission to notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—
- (a) of any determination under sub-paragraph (2) not to take further steps under paragraph 20H; and
  - (b) where it determines under that sub-paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.”

**Commencement Information**

**I184** Sch. 11 para. 3 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(v)

- 4 In paragraph 25, after sub-paragraph (2) insert—
- “(2A) In sub-paragraph (2)—
- (a) references to the findings of an investigation do not include a reference to findings on a report submitted under paragraph 20A; and
  - (b) references to the report of an investigation do not include a reference to a report submitted under that paragraph.”

**Commencement Information**

**I185** Sch. 11 para. 4 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(v)

SCHEDULE 12

Section 160

INVESTIGATIONS OF DEATHS AND SERIOUS INJURIES  
 DURING OR AFTER CONTACT WITH THE POLICE

- 1 The Police Reform Act 2002 (c. 30) has effect subject to the following amendments.

**Commencement Information**

**I186** Sch. 12 para. 1 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 2 (1) Section 10(2) (general functions of the Commission) is amended as follows.

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(2) After paragraph (b) insert—

“(ba) the recording of matters from which it appears that a person has died or suffered serious injury during, or following, contact with a person serving with the police;”.

(3) In paragraph (c), after “paragraph (b)” insert “ or (ba) ”.

**Commencement Information**

**I187** Sch. 12 para. 2 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

3 In section 12 (matters to which Part 2 applies), after subsection (2) insert—

“(2A) In this Part “death or serious injury matter” (or “DSI matter” for short) means any circumstances (other than those which are or have been the subject of a complaint or which amount to a conduct matter)—

- (a) in or in consequence of which a person has died or has sustained serious injury; and
- (b) in relation to which the requirements of either subsection (2B) or subsection (2C) are satisfied.

(2B) The requirements of this subsection are that at the time of the death or serious injury the person—

- (a) had been arrested by a person serving with the police and had not been released from that arrest; or
- (b) was otherwise detained in the custody of a person serving with the police.

(2C) The requirements of this subsection are that—

- (a) at or before the time of the death or serious injury the person had contact (of whatever kind, and whether direct or indirect) with a person serving with the police who was acting in the execution of his duties; and
- (b) there is an indication that the contact may have caused (whether directly or indirectly) or contributed to the death or serious injury.

(2D) In subsection (2A) the reference to a person includes a person serving with the police, but in relation to such a person “contact” in subsection (2C) does not include contact that he has whilst acting in the execution of his duties.”

**Commencement Information**

**I188** Sch. 12 para. 3 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

4 In the following provisions, for “and conduct matters” substitute “, conduct matters and DSI matters ”

- (a) the cross-heading preceding section 13;
- (b) the heading for section 13 (handling of complaints and conduct matters); and
- (c) that section itself.

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**Commencement Information**

**I189** Sch. 12 para. 4 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 5 (1) Section 16(2) (assistance for which payment is required) is amended as follows.
- (2) In paragraph (a), for the words from “an investigation relating to” to the end substitute—
- “(i) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of the other force, or
- (ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of the other force; and”.
- (3) In paragraph (b), for the words from “an investigation” to the end substitute—
- “(i) an investigation relating to the conduct of a person who, at the time of the conduct, was not a member of that force, or
- (ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, not a member of that force.”

**Commencement Information**

**I190** Sch. 12 para. 5 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 6 In section 18 (inspection of police premises on behalf of the Commission), in subsection (2)(a), after “conduct matters” insert “ or DSI matters ”.

**Commencement Information**

**I191** Sch. 12 para. 6 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 7 (1) Section 21 (duty to provide information) is amended as follows.
- (2) In subsection (1), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter ”.
- (3) In subsection (1)(a), after “subsection (2)” insert “ or (2A) ”.
- (4) In subsection (2), after “if” insert “ (in the case of a complaint or recordable conduct matter) ”.
- (5) After subsection (2) insert—
- “(2A) A person falls within this subsection if (in the case of a DSI matter)—
- (a) he is a relative of the person who has died;
- (b) he is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;
- (c) he himself is the person who has suffered serious injury.”
- (6) In subsection (3)—
- (a) after “subsection (2)” insert “ or (2A) ”; and

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- (b) for “or recordable conduct matter” (in both places) substitute “, recordable conduct matter or DSI matter”.
- (7) In subsection (5), for “or conduct matter” substitute “, conduct matter or DSI matter”.
- (8) In subsections (6) and (7), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.
- (9) After subsection (9)(b) insert—
  - “(ba) whether the Commission or the appropriate authority has made a determination under paragraph 21A of Schedule 3;”.
- (10) In subsection (9)(c), after “paragraph 22” insert “ or 24A ”.
- (11) In subsection (10), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

#### Commencement Information

**I192** Sch. 12 para. 7 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 8 (1) Section 22 (power of Commission to issue guidance) is amended as follows.
- (2) In subsection (2)(b)(ii), after “recordable conduct matters” insert “ or DSI matters ”.
- (3) In subsection (5)—
  - (a) in paragraph (a), after “recordable conduct matters” insert “ or DSI matters ”;
  - (b) in paragraphs (b) and (d)(ii), after “recordable conduct matter” insert “ or DSI matter ”; and
  - (c) in paragraph (e)(i), for “or conduct matter” substitute “, conduct matter or DSI matter”.

#### Commencement Information

**I193** Sch. 12 para. 8 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 9 (1) Section 23(2) (regulations) is amended as follows.
- (2) In paragraph (b), after “recordable conduct matters” insert “ and DSI matters ”.
- (3) For paragraph (h) substitute—
  - “(h) for combining into a single investigation the investigation of any complaint, conduct matter or DSI matter with the investigation or investigations of any one or more, or any combination, of the following—
    - (i) complaints (whether or not relating to the same conduct),
    - (ii) conduct matters, or
    - (iii) DSI matters,and for splitting a single investigation into two or more separate investigations;”.
- (4) In paragraph (j), for “or conduct matter” substitute “, conduct matter or DSI matter”.

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(5) In paragraph (n)(ii), after “recordable conduct matters” insert “ or DSI matters ”.

**Commencement Information**

**I194** Sch. 12 para. 9 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 10 (1) Section 29 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) for the definition of “the appropriate authority” substitute—
- ““the appropriate authority”—
- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
- (i) if that person is a senior officer, the police authority for the area of the police force of which he is a member; and
- (ii) if he is not a senior officer, the chief officer under whose direction and control he is; and
- (b) in relation to a death or serious injury matter, means—
- (i) if the relevant officer is a senior officer, the police authority for the area of the police force of which he is a member; and
- (ii) if he is not a senior officer, the chief officer under whose direction and control he is;”;
- (b) after the definition of “conduct matter” insert—
- ““death or serious injury matter” and “DSI matter” have the meaning given by section 12;”.
- (3) After subsection (1) insert—
- “(1A) In this Part “the relevant officer”, in relation to a DSI matter, means the person serving with the police (within the meaning of section 12(7))—
- (a) who arrested the person who has died or suffered serious injury,
- (b) in whose custody that person was at the time of the death or serious injury, or
- (c) with whom that person had the contact in question;
- and where there is more than one such person it means, subject to subsection (1B), the one who so dealt with him last before the death or serious injury occurred.
- (1B) Where it cannot be determined which of two or more persons serving with the police dealt with a person last before a death or serious injury occurred, the relevant officer is the most senior of them.”

**Commencement Information**

**I195** Sch. 12 para. 10 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

*Status: Point in time view as at 07/10/2013.*

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- 11 Schedule 3 (handling of complaints and conduct matters) is amended as set out in the following paragraphs.

**Commencement Information**

**I196** Sch. 12 para. 11 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 12 After paragraph 14 insert—

**“PART 2A**

**HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS**

**Duty to record DSI matters**

14A(1) Where a DSI matter comes to the attention of the police authority or chief officer who is the appropriate authority in relation to that matter, it shall be the duty of the appropriate authority to record that matter.

(2) If it appears to the Commission—

- (a) that any matter that has come to its attention is a DSI matter, but
- (b) that that matter has not been recorded by the appropriate authority,

the Commission may direct the appropriate authority to record that matter; and it shall be the duty of that authority to comply with the direction.

**Duty to preserve evidence relating to DSI matters**

14B(1) Where—

- (a) a DSI matter comes to the attention of a police authority, and
- (b) the relevant officer in relation to that matter is the chief officer of the force maintained by that authority,

it shall be the duty of that authority to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

(2) Where—

- (a) a chief officer becomes aware of a DSI matter, and
- (b) the relevant officer in relation to that matter is a person under his direction and control,

it shall be his duty to take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to that matter.

(3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.

(4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.

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- (5) It shall be the duty of a police authority to comply with all such directions as may be given to it by the Commission in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).
- (6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any DSI matter as he may be directed to take for the purposes of this paragraph by the police authority maintaining his force or by the Commission.

### Reference of DSI matters to the Commission

- 14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the Commission.
- (2) The appropriate authority must do so within such period as may be provided for by regulations made by the Secretary of State.
  - (3) A matter that has already been referred to the Commission under this paragraph on a previous occasion shall not be required to be referred again under this paragraph unless the Commission so directs.

### Duties of Commission on references under paragraph 14C

- 14D (1) It shall be the duty of the Commission, in the case of every DSI matter referred to it by a police authority or a chief officer, to determine whether or not it is necessary for the matter to be investigated.
- (2) Where the Commission determines under this paragraph that it is not necessary for a DSI matter to be investigated, it may if it thinks fit refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.”

#### Commencement Information

**I197** Sch. 12 para. 12 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 13 In paragraph 15(1)(a) and (8) (power of the Commission to determine the form of an investigation), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

#### Commencement Information

**I198** Sch. 12 para. 13 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 14 (1) Paragraph 16 (investigations by the appropriate authority on its own behalf) is amended as follows.
- (2) In sub-paragraph (1), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.
  - (3) In sub-paragraph (2)(a), after “recordable conduct matter” insert “ or under paragraph 14D(2) in relation to any DSI matter”.
  - (4) In sub-paragraph (3), after “(4)” insert “ or (5)”.

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(5) In sub-paragraph (4), for “matter” substitute “conduct matter”.

(6) After sub-paragraph (4) add—

- “(5) The person appointed under this paragraph to investigate any DSI matter—
- (a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;
  - (b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.”

**Commencement Information**

**I199** Sch. 12 para. 14 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

15 (1) Paragraph 17 (investigations supervised by the Commission) is amended as follows.

(2) In sub-paragraph (1), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

(3) In sub-paragraph (6), for “matter” substitute “conduct matter”.

(4) After sub-paragraph (6) insert—

- “(6A) The person appointed under this paragraph to investigate any DSI matter—
- (a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;
  - (b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.”

**Commencement Information**

**I200** Sch. 12 para. 15 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

16 (1) Paragraph 18 (investigations managed by the Commission) is amended as follows.

(2) In sub-paragraph (1), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

(3) In sub-paragraph (2), for “(6)” substitute “(6A)”.

**Commencement Information**

**I201** Sch. 12 para. 16 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

17 (1) Paragraph 19 (investigations by the Commission itself) is amended as follows.

(2) In sub-paragraph (1), for “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

(3) After sub-paragraph (3) insert—

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

“(3A) The person designated under sub-paragraph (2) to be the person to take charge of an investigation of a DSI matter in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis must be the person nominated by the Secretary of State to be so designated under that sub-paragraph.”

**Commencement Information**

**I202** Sch. 12 para. 17 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

18 In paragraph 20(1) (restrictions on proceedings pending the conclusion of an investigation), after “22” insert “ or 24A ”.

**Commencement Information**

**I203** Sch. 12 para. 18 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

19 In paragraph 21(4) (power of the Commission to discontinue an investigation), for “or recordable conduct matter” substitute “ , recordable conduct matter or DSI matter ”.

**Commencement Information**

**I204** Sch. 12 para. 19 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

20 After paragraph 21 insert—

**“Procedure where conduct matter is revealed during investigation of DSI matter**

21A(1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 or designated under paragraph 19 that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—

- (a) committed a criminal offence, or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

he shall make a submission to that effect to the Commission.

(2) If, after considering a submission under sub-paragraph (1), the Commission determines that there is such an indication, it shall—

- (a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of its determination; and
- (b) send to it (or each of them) a copy of the submission under sub-paragraph (1).

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 or 17 that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—

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- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- he shall make a submission to that effect to the appropriate authority in relation to the DSI matter.
- (4) If, after considering a submission under sub-paragraph (3), the appropriate authority determines that there is such an indication, it shall—
- (a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under sub-paragraph (3); and
  - (b) notify the Commission of its determination and send to it a copy of the submission under sub-paragraph (3).
- (5) Where the appropriate authority in relation to the person whose conduct is in question—
- (a) is notified of a determination by the Commission under sub-paragraph (2),
  - (b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under sub-paragraph (4), or
  - (c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under sub-paragraph (4),
- it shall record the matter under paragraph 11 as a conduct matter (and the other provisions of this Schedule shall apply in relation to that matter accordingly).”

**Commencement Information**

**I205** Sch. 12 para. 20 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

21 For paragraph 22 (final reports on investigations) substitute—

**“Final reports on investigations: complaints, conduct matters and certain DSI matters**

- 22 (1) This paragraph applies on the completion of an investigation of—
- (a) a complaint,
  - (b) a conduct matter, or
  - (c) a DSI matter in respect of which the Commission or the appropriate authority has made a determination under paragraph 21A(2) or (4).
- (2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.
- (3) A person appointed under paragraph 17 or 18 shall—
- (a) submit a report on his investigation to the Commission; and
  - (b) send a copy of that report to the appropriate authority.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (4) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) or (4), the references in sub-paragraphs (2) and (3) of this paragraph to the appropriate authority are references to—
- (a) the appropriate authority in relation to the DSI matter; and
  - (b) (where different) the appropriate authority in relation to the person whose conduct is in question.
- (5) A person designated under paragraph 19 as the person in charge of an investigation by the Commission itself shall submit a report on it to the Commission.
- (6) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.”

**Commencement Information**

**I206** Sch. 12 para. 21 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 22 (1) In the heading preceding paragraph 23, after “investigation report” insert “ under paragraph 22 ”.
- (2) In paragraph 23(1)—
- (a) in paragraph (a), for “(2)” substitute “ (3) ”; and
  - (b) in paragraph (b), for “(3)” substitute “ (5) ”.
- (3) After paragraph 23(12) insert—
- “(13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.”

**Commencement Information**

**I207** Sch. 12 para. 22 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

- 23 (1) In the heading preceding paragraph 24, after “investigation report” insert “ under paragraph 22 ”.
- (2) In paragraph 24(1)—
- (a) in paragraph (a), for “22(1)” substitute “ 22(2) ”; and
  - (b) in paragraph (b), for “22(2)” substitute “ 22(3) ”.
- (3) After paragraph 24(10) insert—
- “(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.”

*Status: Point in time view as at 07/10/2013.**Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)***Commencement Information****I208** Sch. 12 para. 23 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

24 After paragraph 24 insert—

**“Final reports on investigations: other DSI matters**

- 24A (1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the Commission nor the appropriate authority has made a determination under paragraph 21A(2) or (4).
- (2) A person appointed under paragraph 16, 17 or 18 or designated under paragraph 19 shall—
- (a) submit a report on the investigation to the Commission; and
  - (b) send a copy of that report to the appropriate authority.
- (3) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.
- (4) On receipt of the report, the Commission shall determine whether the report indicates that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.

**Action by the Commission in response to an investigation report under paragraph 24A**

- 24B (1) If the Commission determines under paragraph 24A(4) that the report indicates that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- it shall notify the appropriate authority in relation to the person whose conduct is in question of its determination and, if it appears that that authority has not already been sent a copy of the report, send a copy of the report to that authority.
- (2) Where the appropriate authority in relation to the person whose conduct is in question is notified of a determination by the Commission under subparagraph (1), it shall record the matter under paragraph 11 as a conduct matter (and the other provisions of this Schedule shall apply in relation to that matter accordingly).
- 24C (1) If the Commission determines under paragraph 24A(4) that there is no indication in the report that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

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it shall make such recommendations or give such advice under section 10(1)(e) (if any) as it considers necessary or desirable.

(2) Sub-paragraph (1) does not affect any power of the Commission to make recommendations or give advice under section 10(1)(e) in other cases (whether arising under this Schedule or otherwise).”

**Commencement Information**

**I209** Sch. 12 para. 24 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(w)

SCHEDULE 13

Section 161

ABOLITION OF ROYAL PARKS CONSTABULARY: SUPPLEMENTARY

**PART 1**

TRANSFERS TO METROPOLITAN POLICE AUTHORITY

*Interpretation*

- 1 In this Part of this Schedule—  
     “the Authority” means the Metropolitan Police Authority, and  
     “transfer scheme” means a scheme made by the Secretary of State under this Schedule.

**Commencement Information**

**I210** Sch. 13 para. 1 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Establishment of eligibility for transfer*

- 2 The Secretary of State may by regulations impose requirements in relation to persons serving as park constables with the Royal Parks Constabulary for the purpose of establishing whether they are eligible—  
     (a) to be employed by the Authority, or  
     (b) to serve as a members of the police force for the metropolitan police district.

**Commencement Information**

**I211** Sch. 13 para. 2 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

- 3 (1) The Secretary of State may terminate the Crown employment of any person who fails to comply with or satisfy any requirement imposed in relation to him by regulations made under paragraph 2.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (2) A person whose Crown employment is terminated under sub-paragraph (1) is not to be treated (whether for the purposes of any enactment or otherwise) as being dismissed by virtue of that termination.

**Commencement Information**

I212 Sch. 13 para. 3 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Relevant persons*

- 4 (1) A transfer scheme may provide for any relevant person to become an employee of the Authority on the appointed day.
- (2) The scheme may make provision—
- (a) for the termination of the relevant person's Crown employment on the appointed day,
  - (b) as to the terms and conditions which are to have effect as the terms and conditions of the relevant person's contract of employment with the Authority,
  - (c) transferring to the Authority the rights, powers, duties and liabilities of the employer under or in connection with the relevant person's Crown employment,
  - (d) for things done before the appointed day by or in relation to the employer in respect of the relevant person or his Crown employment to be treated from that day as having been done by or in relation to the Authority,
  - (e) for the period during which the relevant person has been in Crown employment to count as a period of employment with the Authority (and for the operation of the transfer scheme not to be treated as having interrupted the continuity of that employment), and
  - (f) for the termination of the Crown employment of a relevant person who would otherwise be transferred by the scheme but who has informed the Secretary of State that he does not wish to be so transferred.
- (3) The scheme may provide for a person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.

**Commencement Information**

I213 Sch. 13 para. 4 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

- 5 (1) A transfer scheme may provide for the appointment as a member of the police force for the metropolitan police district of any relevant person who becomes an employee of the Authority by virtue of the scheme.
- (2) The appointment does not take effect until the person has been attested as a constable for the metropolitan police district in accordance with section 29 of the Police Act 1996 (c. 16).
- (3) On being so attested his contract of employment with the Authority is terminated by virtue of this sub-paragraph.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (4) He is not to be treated (whether for the purposes of any enactment or otherwise) as being dismissed by virtue of the operation of sub-paragraph (3).

**Commencement Information**

**I214** Sch. 13 para. 5 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Property, rights and liabilities, etc.*

- 6 (1) The transfer scheme may provide for the transfer of property, rights and liabilities of the Secretary of State to the Authority on the appointed day.
- (2) The scheme may include provision for anything (including any legal proceedings) which relates to anything transferred by virtue of sub-paragraph (1) to be continued from the appointed day by or in relation to the Authority.

**Commencement Information**

**I215** Sch. 13 para. 6 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Consultation*

- 7 Before making a transfer scheme which contains any provision relating to persons serving as park constables with the Royal Parks Constabulary the Secretary of State must consult such bodies appearing to represent the interests of those persons as he considers appropriate.

**Commencement Information**

**I216** Sch. 13 para. 7 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Termination of employment*

- 8 The Secretary of State may by regulations make provision as to the consequences of the termination of a person's Crown employment under paragraph 3(1) or by a transfer scheme (including provision removing any entitlement to compensation which might otherwise arise in such circumstances).

**Commencement Information**

**I217** Sch. 13 para. 8 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

## PART 2

### AMENDMENTS

#### *Royal Parks (Trading) Act 2000 (c. 13)*

- 9 In section 4 of the Royal Parks (Trading) Act 2000 (seizure of property) after subsection (3) add—

- “(4) In the application of this section to a specified park—
- (a) the reference in subsection (1) to a park constable has effect as a reference to a constable, and
  - (b) subsections (2) and (3) do not apply.
- (5) In subsection (4) “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.”

#### **Commencement Information**

**I218** Sch. 13 para. 9 in force at 8.5.2006 by S.I. 2006/1085, art. 2(c)

#### *Regulation of Investigatory Powers Act 2000 (c. 23)*

- 10 In Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant authorities) omit paragraph 27D and the cross-heading before it.

#### **Commencement Information**

**I219** Sch. 13 para. 10 in force at 8.5.2006 by S.I. 2006/1085, art. 2(c)

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

- 11 The Police Reform Act 2002 has effect subject to the following amendments.

#### **Commencement Information**

**I220** Sch. 13 para. 11 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

- 12 (1) Section 82 (police nationality requirements) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (e) insert “ or ”, and
  - (b) omit paragraph (f).
- (3) In subsection (3)(e) for “the Civil Nuclear Constabulary or the Royal Parks Constabulary” substitute “ or the Civil Nuclear Constabulary ”.
- (4) Omit subsection (5).

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

**Commencement Information**

**I221** Sch. 13 para. 12 in force at 8.5.2006 by S.I. 2006/1085, art. 2(c)

- 13 (1) Schedule 4 (powers exercisable by police civilians) is amended as follows.
- (2) In paragraph 2(6) after paragraph (aa) insert—
- “(ab) an offence committed in a specified park which by virtue of section 2 of the Parks Regulation (Amendment) Act 1926 is an offence against the Parks Regulation Act 1872; or”.
- (3) After paragraph 7C insert—
- “Park Trading offences*
- 7D (1) This paragraph applies if—
- (a) a designation applies it to any person (“the CSO”), and
- (b) the CSO has under paragraph 2(3) required another person (“P”) to wait with him for the arrival of a constable.
- (2) If the CSO reasonably suspects that P has committed a park trading offence, the CSO may take possession of anything of a non-perishable nature which—
- (a) P has in his possession or under his control, and
- (b) the CSO reasonably believes to have been used in the commission of the offence.
- (3) The CSO may retain possession of the thing in question for a period not exceeding 30 minutes unless P makes an election under paragraph 2(4), in which case the CSO may retain possession of the thing in question until he is able to transfer control of it to a constable.
- (4) In this paragraph “park trading offence” means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.”
- (4) In paragraph 36 after sub-paragraph (3) insert—
- “(3A) In this Schedule “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.”

**Commencement Information**

**I222** Sch. 13 para. 13 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(y)

SCHEDULE 14

Section 163

AMENDMENTS OF PART 5 OF POLICE ACT 1997

- 1 Part 5 of the Police Act 1997 (c. 50) (certificates of criminal records etc.) is amended as follows.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

#### Commencement Information

**I223** Sch. 14 para. 1 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I224** Sch. 14 para. 1 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I225** Sch. 14 para. 1 in force at 3.12.2007 for N.I. by S.I. 2007/3341, art. 2(d)

- 2 In section 114(3) for “Section 113(3) to (5)” substitute “ Sections 113A(3) to (6) and 113C to 113F ”.

#### Commencement Information

**I226** Sch. 14 para. 2 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I227** Sch. 14 para. 2 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I228** Sch. 14 para. 2 in force at 1.4.2008 for N.I. by S.I. 2008/697, art. 2(e)

- 3 In section 116—
- (a) in the application to Scotland of subsection (2)(b) for “to which subsection (3) or (4) of section 115 applies” substitute “ of such description as may be prescribed ”;
  - (b) in subsection (3) for “Section 115(6) to (10)” substitute “ Sections 113B(3) to (11) and 113C to 113F ”.

#### Commencement Information

**I229** Sch. 14 para. 3 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I230** Sch. 14 para. 3 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I231** Sch. 14 para. 3 in force at 1.4.2008 for N.I. by S.I. 2008/697, art. 2(e)

- 4 In section 119—
- (a) in subsection (1A) for “section 113(3A) or (3C) or (3EA) or (3EC)” substitute “ section 113C(3) or 113D(3) ”;
  - (b) in subsection (2) for “115” substitute “ 113B ”.

#### Commencement Information

**I232** Sch. 14 para. 4 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I233** Sch. 14 para. 4 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

- 5 In section 119A(2) for the words from “under” to “adults)” substitute “ in a list mentioned in section 113C(3) or 113D(3) ”.

#### Commencement Information

**I234** Sch. 14 para. 5 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

- 6 In section 120—
- (a) in subsection (3)(b) for “113 or 115” substitute “ 113A or 113B ”;
  - (b) in subsection (5)(b) for “113 or 115” substitute “ 113A or 113B ”;
  - (c) in subsection (7) for “113” substitute “ 113A ”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

**Commencement Information**

- I235** Sch. 14 para. 6 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(e)**  
**I236** Sch. 14 para. 6(b)(c) in force at 6.4.2006 for E.W. by [S.I. 2006/378](#), **art. 7(c)**  
**I237** Sch. 14 para. 6 in force at 3.12.2007 for N.I. by [S.I. 2007/3341](#), **art. 2(d)**

7 In section 120ZA(4)(b) for “113 or 115” substitute “ 113A or 113B ”.

**Commencement Information**

- I238** Sch. 14 para. 7 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(e)**  
**I239** Sch. 14 para. 7 in force at 6.4.2006 for E.W. by [S.I. 2006/378](#), **art. 7(c)**  
**I240** Sch. 14 para. 7 in force at 3.12.2007 for N.I. by [S.I. 2007/3341](#), **art. 2(d)**

8 In section 120A (as inserted by section 134(1) of the Criminal Justice and Police Act 2001 (c. 16))—  
 (a) in subsection (3)(b) for “section 113(3A) or (3C) or (3EA) or (3EC)” substitute “ section 113C(3) or 113D(3) ”;  
 (b) in subsection (5) for “113” substitute “ 113A ”.

**Commencement Information**

- I241** Sch. 14 para. 8 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(e)**  
**I242** Sch. 14 para. 8 in force at 6.4.2006 for E.W. by [S.I. 2006/378](#), **art. 7(c)**  
**I243** Sch. 14 para. 8 in force at 3.12.2007 for N.I. by [S.I. 2007/3341](#), **art. 2(d)**

9 In section 120A (as inserted by section 70 of the Criminal Justice (Scotland) Act 2003 (asp 7))—  
 (a) in subsection (3)(a) for “113” substitute “ 113A ”;  
 (b) in subsection (3)(b) for “113(3C)” substitute “ 113C(3) or 113D(3) ”;  
 (c) after subsection (6) (as inserted by section 165(2) of this Act) insert—  
 “(7) In the case of such a body the reference in subsection (5) to a police authority must be construed as a reference to such body as is prescribed.”

**Commencement Information**

- I244** Sch. 14 para. 9 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(e)**

10 In section 121 for “under section 114(2), 115(4) or (10), 116(2), 122(1) or (2) or 125” substitute “ in relation to the making of regulations or orders ”.

**Commencement Information**

- I245** Sch. 14 para. 10 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(e)**  
**I246** Sch. 14 para. 10 in force at 6.4.2006 for E.W. by [S.I. 2006/378](#), **art. 7(c)**

11 In section 122(3) and (4)(b) for “113 or 115” substitute “ 113A or 113B ”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

#### Commencement Information

**I247** Sch. 14 para. 11 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I248** Sch. 14 para. 11 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I249** Sch. 14 para. 11 in force at 3.12.2007 for N.I. by S.I. 2007/3341, art. 2(d)

- 12 In section 124—
- (a) in subsections (1), (2), (3), (4) and (6) for “113 or 115” substitute “ 113A or 113B ”;
  - (b) in subsection (5) for “115(8)” substitute “ 113B(5) ”;
  - (c) in subsection (6)(e) for “113” substitute “ 113A ”.

#### Commencement Information

**I250** Sch. 14 para. 12 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I251** Sch. 14 para. 12 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I252** Sch. 14 para. 12 in force at 3.12.2007 for N.I. by S.I. 2007/3341, art. 2(d)

### PROSPECTIVE

- 13 In section 124B—
- (a) in subsection (1) for “113” substitute “ 113A ”;
  - (b) in subsection (3) for “113(5)” substitute “ 113A(6) ”.

- 14 In section 125, at the end add—
- “(6) If the power mentioned in subsection (1) is exercised by the Scottish Ministers, the reference in subsection (3) to each House of Parliament must be construed as a reference to the Scottish Parliament.”

#### Commencement Information

**I253** Sch. 14 para. 14 in force at 1.4.2006 for S. by S.S.I. 2006/166, art. 2(1)(e)

**I254** Sch. 14 para. 14 in force at 6.4.2006 for E.W. by S.I. 2006/378, art. 7(c)

**I255** Sch. 14 para. 14 in force at 3.12.2007 for N.I. by S.I. 2007/3341, art. 2(d)

## SCHEDULE 15

Section 171

### PRIVATE SECURITY INDUSTRY ACT 2001: SCOTTISH EXTENT

- 1 The Private Security Industry Act 2001 (c. 12) is amended as follows.

#### Commencement Information

**I256** Sch. 15 para. 1 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I257** Sch. 15 para. 1 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

- 2 In section 2 (directions etc. by the Secretary of State)—

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (a) in subsection (2), the existing words “shall consult the Authority” become paragraph (a) and after that paragraph add “and
  - (b) where any of those directions relates wholly or mainly to the exercise of the Authority's activities in or as regards Scotland, shall obtain the consent of the Scottish Ministers.”; and
- (b) in subsection (3), the existing words “the Secretary of State with such information about its activities as he may request” become paragraph (a) and after that paragraph add “and
  - (b) the Scottish Ministers with such information about its activities in or as regards Scotland as they may request.”

**Commencement Information**

**I258** Sch. 15 para. 2 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I259** Sch. 15 para. 2 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

3 After section 2 insert—

**“2A Authority to be treated as cross-border public authority etc. for certain purposes**

For the purposes of—

- (a) section 5(5B) of the Parliamentary Commissioner Act 1967 (restriction on investigatory powers of Parliamentary Commissioner for Administration);
- (b) section 23(2)(b) of the Scotland Act 1998 (power of Scottish Parliament to require persons outside Scotland to give evidence or produce documents);
- (c) section 70(6) of that Act of 1998 (accounts prepared by cross-border authorities);
- (d) section 91(3)(d) of that Act of 1998 (provision for investigation of certain complaints); and
- (e) section 7(5) of the Scottish Public Services Ombudsman Act 2002 (restriction on investigatory powers of ombudsman),

the Authority is to be treated as a cross-border public authority within the meaning of that Act of 1998.”

**Commencement Information**

**I260** Sch. 15 para. 3 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I261** Sch. 15 para. 3 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

4 In section 3 (conduct prohibited without a licence), after subsection (3) insert—

“(3A) In the application of this Act to Scotland—

- (a) the reference in subsection (3) to the Secretary of State must be construed as a reference to the Scottish Ministers; but
- (b) before making any order under subsection (3) the Scottish Ministers are to consult the Secretary of State.”

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

**Commencement Information**

**I262** Sch. 15 para. 4 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I263** Sch. 15 para. 4 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

5 In section 7 (licensing criteria), after subsection (5) insert—

“(5A) Before giving approval under subsection (5), the Secretary of State shall consult the Scottish Ministers.”

**Commencement Information**

**I264** Sch. 15 para. 5 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I265** Sch. 15 para. 5 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

6 In section 11 (appeals in licensing matters)—

- (a) in subsection (1), after “court” insert “ (in Scotland, to the sheriff) ”;
- (b) in subsection (4), the existing words from “a magistrates” to “Crown Court” become paragraph (a) and after that paragraph insert “or
  - (b) the sheriff makes a decision on an appeal under that subsection, an appeal to the Sheriff Principal,”; and
- (c) in subsection (6)(d), the existing words from “the appropriate” to the end become sub-paragraph (i) and after that sub-paragraph add “or
  - (ii) the sheriff or the Sheriff Principal may direct pending an appeal from a determination made on an appeal to the sheriff.”

**Commencement Information**

**I266** Sch. 15 para. 6 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I267** Sch. 15 para. 6 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

7 In section 13 (licensing at local authority level), at the end add—

“(8) This section does not apply to Scotland.”

**Commencement Information**

**I268** Sch. 15 para. 7 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

8 In section 15(1) (duty to secure arrangements are in force for granting certain approvals), at the end of paragraph (a) add “ or in Scotland ”.

**Commencement Information**

**I269** Sch. 15 para. 8 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I270** Sch. 15 para. 8 in force at 6.7.2006 for specified purposes for E.W. by S.S.I. 2006/381, art. 2(b)(ii)

**I271** Sch. 15 para. 8 in force at 6.4.2007 for E.W. in so far as not already in force by S.S.I. 2007/241, art. 2(a)

9 In section 18 (appeals relating to approvals)—

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (a) in subsection (1), after “court” insert “ (in Scotland, to the sheriff) ”;
- (b) in subsection (4), the existing words from “a magistrates” to “Crown Court” become paragraph (a) and after that paragraph insert “or
  - (b) the sheriff makes a decision on an appeal under that subsection, an appeal to the Sheriff Principal,”; and
- (c) in subsection (5)(d), the existing words from “the appropriate” to the end become sub-paragraph (i) and after that sub-paragraph add “or
  - (ii) the sheriff or the Sheriff Principal may direct pending an appeal from a determination made on an appeal to the sheriff.”

**Commencement Information**

**I272** Sch. 15 para. 9 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I273** Sch. 15 para. 9 in force at 6.4.2007 for E.W. by S.S.I. 2007/241, art. 2(a)

- 10 In section 23 (criminal liability of directors etc.), the existing words become subsection (1) and after that subsection add—

“(2) Where an offence under any provision of this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a partner; or
- (b) any person who was purporting to be a partner,

he (as well as the partnership) shall be guilty of that offence and liable to be proceeded against and punished accordingly.”

**Commencement Information**

**I274** Sch. 15 para. 10 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I275** Sch. 15 para. 10 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

- 11 In section 24 (consultation with Security Industry Authority before making orders or regulations etc.)—

- (a) after subsection (1) insert—

“(1A) But in Scotland “prescribed” in paragraph 8(3)(d) of Schedule 2 to this Act includes prescribed by regulations made by the Scottish Ministers.”;

- (b) in subsection (2), after “Secretary of State” insert “ or the Scottish Ministers ”;

- (c) in subsection (3), after paragraph (b) insert “or
  - (c) an order or regulations made by the Scottish Ministers,”;

- (d) after subsection (3) insert—

“(3A) A statutory instrument containing an order or regulations made by the Scottish Ministers, other than an order under section 26(2), shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.”;

- (e) in subsection (4), after “consult” insert “ the Scottish Ministers (except where the order is made by virtue of section 3(2)(j)) and ”; and

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*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (f) in subsection (5)(b), at the end add “ (or where the order is, or regulations are, made by the Scottish Ministers, as the Scottish Ministers think fit) ”.

#### Commencement Information

**I276** Sch. 15 para. 11 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I277** Sch. 15 para. 11 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

- 12 In section 26 (short title, commencement and extent)—

- (a) after subsection (2) insert—

“(2A) In the application of this Act to Scotland—

- (a) the reference in subsection (2) to the Secretary of State must be construed as a reference to the Scottish Ministers; but

- (b) before making any order under subsection (2) the Scottish Ministers are to consult the Secretary of State.”; and

- (b) in subsection (4), after “Wales” insert “ and to Scotland ”.

#### Commencement Information

**I278** Sch. 15 para. 12 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I279** Sch. 15 para. 12 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

- 13 In Schedule 1 (the Security Industry Authority)—

- (a) in paragraph 1 (membership and chairman), at the end add—

“(4) Before appointing the chairman, the Secretary of State shall consult the Scottish Ministers.”;

- (b) in paragraph 3 (removal from office), the existing words become sub-paragraph (1) and after that sub-paragraph insert—

“(2) Before removing a person from office as chairman of the Authority, the Secretary of State shall consult the Scottish Ministers.”;

- (c) in paragraph 6 (staff etc.), after sub-paragraph (2) insert—

“(2A) Before giving consent under sub-paragraph (2), the Secretary of State shall consult the Scottish Ministers.”;

- (d) in paragraph 14 (money), after sub-paragraph (1) insert—

“(1A) The Scottish Ministers may make payments to the Authority out of the Scottish Consolidated Fund in relation to the exercise by the Authority of its functions in or as regards Scotland.”;

- (e) in paragraph 16 (accounts)—

- (i) in sub-paragraph (3), after second “State” insert “ , to the Scottish Ministers ”; and

- (ii) after sub-paragraph (3) insert—

“(3A) The Scottish Ministers shall present documents received by them under sub-paragraph (3) to the Scottish Parliament.”; and

- (f) in paragraph 17 (annual report)—

*Status: Point in time view as at 07/10/2013.*

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(i) in sub-paragraph (1), after “State” insert “ and to the Scottish Ministers ”; and

(ii) at the end add—

“(3) The Scottish Ministers shall lay a copy of each such report before the Scottish Parliament.”

#### Commencement Information

**I280** Sch. 15 para. 13 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I281** Sch. 15 para. 13 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

14 In Schedule 2 (activities liable to control under the Private Security Industry Act 2001 (c. 12))—

(a) [F18: in paragraph 3 (immobilisation of vehicles), at the end add—

“(4) This paragraph does not apply to any activities carried out in Scotland.”;]

(b) in paragraph 4 (private investigations), after sub-paragraph (4) insert—

“(4A) This paragraph does not apply to any activities of a person who is an advocate or solicitor in Scotland in the provision of legal services—

(a) by him;

(b) by any firm of which he is a partner or by which he is employed;

(c) by any body corporate of which he is a director or member or by which he is employed.”;

(c) after paragraph 4 insert—

#### *“Taking precognitions*

4A (1) This paragraph applies (subject to sub-paragraph (2)) to the taking, other than on behalf of the Crown, of a precognition for the purposes of, or in anticipation of—

(a) criminal or civil proceedings in Scotland; or

(b) proceedings on an application under section 65(7) or (9) of the Children (Scotland) Act 1995.

(2) This paragraph does not apply to any activities of a person who is an advocate or solicitor in Scotland.”;

(d) in paragraph 8(2) (door supervisors etc. for public houses, clubs and comparable venues) after paragraph (e) add—

“(f) any premises specified in a public house licence (within the meaning of the Licensing (Scotland) Act 1976) which is for the time being in force;

(g) any premises specified in an hotel licence (within the meaning of that Act) which is for the time being in force;

(h) any premises specified in an entertainment licence (within the meaning of that Act) which is for the time being in force if they comprise a dance hall;

*Status:* Point in time view as at 07/10/2013.

*Changes to legislation:* Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)

- (i) any premises comprised in a place to which an occasional licence granted under section 33(1) of that Act (occasional licence for premises other than licensed premises or clubs) to the holder of a public house licence or hotel licence extends;
  - (j) any premises comprised in a place to which an occasional permission granted under section 34(1) of that Act (occasional permission for sale of alcohol in the course of catering for events arising from or related to the activities of a voluntary organisation) extends;
  - (k) any premises comprised in a place or class of place for the time being specified by resolution under section 9(5)(b) of the Civic Government (Scotland) Act 1982 (resolution specifying place or class of place falling to be licensed if to be used as place of public entertainment);
  - (l) any premises comprised in a place where an activity for the time being designated under section 44(1) of that Act (additional activities for which a licence is required) is carried on provided that, in the case of an activity designated under paragraph (a) of that section, the requisite resolution under section 9 of that Act has been obtained;”;
- (e) after paragraph 9 add—

*“Taking precognitions*

- 10 This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 4A of this Schedule.”

**Textual Amendments**

**F18** Sch. 15 para. 14(a) repealed (E.W.) (1.10.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 10 Pt. 3 (with s. 97); S.I. 2012/2075, art. 3(h)

**Commencement Information**

**I282** Sch. 15 para. 14 in force at 30.6.2006 for S. by S.S.I. 2006/381, art. 2(a)(i)

**I283** Sch. 15 para. 14 in force at 6.7.2006 for E.W. by S.S.I. 2006/381, art. 2(b)(i)

SCHEDULE 16

Section 174

REMAINING MINOR AND CONSEQUENTIAL AMENDMENTS (SEARCH WARRANTS)

*Incitement to Disaffection Act 1934 (c. 56)*

- 1 In section 2 of the Incitement to Disaffection Act 1934 (which makes provision about search warrants), in subsection (2), for “one month” substitute “three months”.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

**Commencement Information**

**I284** Sch. 16 para. 1 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

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

- 2 In section 2 of the Public Order Act 1936 (prohibition of quasi-military organisations), in subsection (5), for “one month” substitute “ three months ”.

**Commencement Information**

**I285** Sch. 16 para. 2 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

*Wireless Telegraphy Act 1949 (c. 54)*

- F193 .....

**Textual Amendments**

**F19** Sch. 16 para. 3 repealed (8.2.2007) by *Wireless Telegraphy Act 2006 (c. 36)*, s. 126(2), **Sch. 9 Pt. 1** (with **Sch. 8 Pt. 1**)

*Licensing Act 1964 (c. 26)*

- 4 Until their repeal by the Licensing Act 2003 (c. 17), the following provisions of the Licensing Act 1964 have effect as if for “one month” there were substituted “ three months ”
- section 54 (search warrants relating to clubs),
  - section 85(1) (search warrants relating to parties organised for gain),
  - section 187(1) (search warrants relating to sale of alcohol).

**Commencement Information**

**I286** Sch. 16 para. 4 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

*Biological Weapons Act 1974 (c. 6)*

- 5 In section 4 of the Biological Weapons Act 1974 (powers to search etc.), in subsection (1)(a), for “one month” substitute “ three months ”.

**Commencement Information**

**I287** Sch. 16 para. 5 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

*Copyright, Designs and Patents Act 1988 (c. 48)*

- 6 (1) The Copyright, Designs and Patents Act 1988 is amended as follows.

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

- (2) In section 109 (search warrants), in subsection (3)(b), for “28 days” substitute “ three months ”.
- (3) In section 200 (search warrants), in subsection (3)(b), for “28 days” substitute “ three months ”.
- (4) In section 297B (search warrants), in subsection (3)(b), for “28 days” substitute “ three months ”.

**Commencement Information**

**I288** Sch. 16 para. 6 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

*Computer Misuse Act 1990 (c. 18)*

F20-7

**Textual Amendments**

**F20** Sch. 16 para. 7 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 15 Pt. 4; S.I. 2008/2503, art. 2(d)

*Trade Marks Act 1994 (c. 26)*

- 8 In section 92A of the Trade Marks Act 1994 (search warrants), in subsection (3) (b), for “28 days” substitute “ three months ”.

**Commencement Information**

**I289** Sch. 16 para. 8 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(s)

SCHEDULE 17

Section 174

REPEALS AND REVOCATIONS

**PART 1**

REPEALS COMING INTO FORCE ON ROYAL ASSENT

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Police Reform Act 2002 (c. 30)	Section 95. In Schedule 8, the reference to section 5 of the Police (Health and Safety) Act 1997 (c. 42).

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

## PART 2

### OTHER REPEALS AND REVOCATIONS

#### Commencement Information

- I290** Sch. 17 Pt. 2 in force at 1.7.2005 for specified purposes by S.I. 2005/1521, **art. 3(1)(ee)**
- I291** Sch. 17 Pt. 2 in force at 1.1.2006 for specified purposes by S.I. 2005/3495, **art. 2(1)(t)**
- I292** Sch. 17 Pt. 2 in force at 1.4.2006 for specified purposes for S. by S.I. 2006/166, **art. 2(1)(d)**
- I293** Sch. 17 Pt. 2 in force at 1.4.2006 for specified purposes by S.I. 2006/378, **art. 4(1), Sch. para. 13** (with **art. 4(2)-(7)**)
- I294** Sch. 17 Pt. 2 in force at 6.4.2006 for specified purposes for E.W. by S.I. 2006/378, **art. 7(f)**
- I295** Sch. 17 Pt. 2 in force at 8.5.2006 for specified purposes by S.I. 2006/1085, **art. 2(d)**
- I296** Sch. 17 Pt. 2 in force at 1.4.2008 for specified purposes for N.I. by S.I. 2008/697, **art. 2(f)**

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
Unlawful Drilling Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 1)	In section 2, the words “, or for any other person acting in their aid or assistance.”.
Vagrancy Act 1824 (c. 83)	Section 6.
Railway Regulation Act 1842 (c. 55)	Section 17.
Companies Clauses Consolidation Act 1845 (c. 16)	In section 156, the words “, and all persons called by him to his assistance.”.
Railways Clauses Consolidation Act 1845 (c. 20)	Sections 104 and 154.
Licensing Act 1872 (c. 94)	In section 12, the words “may be apprehended, and”.
Public Stores Act 1875 (c. 25)	Section 12(1).
London County Council (General Powers) Act 1894 (c. ccxii)	In section 7, the words “and any person called to the assistance of such constable or person authorised”.
London County Council (General Powers) Act 1900 (c. cclxviii)	In section 27, the words “and any person called to the assistance of such constable or officer”.
Licensing Act 1902 (c. 28)	In section 1, the words “apprehended and”. In section 2(1), the words “may be apprehended, and”.
Protection of Animals Act 1911 (c. 27)	Section 12(1).
Official Secrets Act 1911 (c. 28)	Section 6.
Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)	Section 7(3).
Army Act 1955 (3 & 4 Eliz. 2 c. 18)	Section 83BC(2)(k).
Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)	Section 83BC(2)(k).
Naval Discipline Act 1957 (c. 53)	Section 52IJ(2)(k).

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Serious Organised Crime and Police Act 2005 is up to date with all changes known to be in force on or before 09 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)*

Public Records Act 1958 (c. 51)	In Schedule 1, in Part 2 of the Table at the end of paragraph 3, the entries relating to the Service Authorities for the National Crime Squad and the National Criminal Intelligence Service.
Street Offences Act 1959 (c. 57)	Section 1(3).
Trustee Investments Act 1961 (c. 62)	In section 11(4), in paragraph (a), the words “, the Service Authority for the National Crime Squad”, and paragraph (e). In Part 2 of Schedule 1, paragraph 9(da).
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries relating to the Service Authorities for the National Crime Squad and the National Criminal Intelligence Service.
Police (Scotland) Act 1967 (c. 77)	In section 33, in subsections (3) and (4), the words “and the National Criminal Intelligence Service”. Section 38A(1)(ba). In section 41(4)(a), the words “or by a member of the National Criminal Intelligence Service or of the National Crime Squad”.
Criminal Justice Act 1967 (c. 80)	In section 91(1), the words “may be arrested without warrant by any person and”.
Leasehold Reform Act 1967 (c. 88)	Section 28(5)(bc).
Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)	In Article 19 of the Order set out in the Schedule, the words “and any person called to the assistance of such constable or officer”.
Theft Act 1968 (c. 60)	Section 25(4).
Port of London Act 1968 (c. xxxii)	In section 2, the definition of “arrestable offence”. Section 170.
Employment Agencies Act 1973 (c. 35)	In section 13(7)(f), the words “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.
House of Commons Disqualification Act 1975 (c. 24)	Section 1(1)(da). In Schedule 1, in Part 2, the entries relating to the Service Authorities for the National Crime Squad and the National Criminal Intelligence Service.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	Section 1(1)(da). In Schedule 1, in Part 2, the entries relating to the Service Authorities for the National Crime Squad and the National Criminal Intelligence Service.

*Status: Point in time view as at 07/10/2013.*

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Sex Discrimination Act 1975 (c. 65)	In section 17(7), in the definition of “chief officer of police”, paragraph (aa), in the definition of “police authority”, paragraph (aa) and, in the definition of “police fund” the words from “, in relation to” (in the second place where they occur) to “the Police Act 1997”.
Police Pensions Act 1976 (c. 35)	In section 11(5), in paragraph (a) of the definition of “central service”, “(ca), (cb),”.
Race Relations Act 1976 (c. 74)	In section 76B, subsection (1) and, in subsection (2), the word “also”. In Schedule 1A, in Part 1, paragraphs 59 and 60 and, in Part 3, the entry relating to the Director General of the National Crime Squad.
Criminal Law Act 1977 (c. 45)	Section 6(6). Section 7(6). Section 8(4). Section 9(7). In section 10(5), the words “A constable in uniform,”.
Theft Act 1978 (c. 31)	Section 3(4).
Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))	In Article 47A(2), sub-paragraph (b).
Animal Health Act 1981 (c. 22)	Section 61(1). Section 62(1).
Local Government (Miscellaneous Provisions) Act 1982 (c. 30)	In Schedule 3, paragraph 24.
Aviation Security Act 1982 (c. 36)	Section 28(3).
Stock Transfer Act 1982 (c. 41)	In Schedule 1, in paragraph 7(1), paragraph (bb) and the word “or” before it.
Police and Criminal Evidence Act 1984 (c. 60)	Section 5(1A). In section 15(2)(a)(i), the word “and” at the end. Section 25. Section 55(14A). In section 66(1)(a)(i), the word “or” at the end. Section 116. In section 118(1), the definition of “arrestable offence”. In Schedule 1, in paragraph 14(a), the words “to which the application relates”. Schedule 1A. In Schedule 2, the entries relating to the Military Lands Act 1892 (c. 43), the Protection of Animals Act 1911 (c. 27), the Public Order Act 1936 (1 Edw. 8 & 1 Geo.

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	6 c. 6), the Street Offences Act 1959 (c. 57), the Criminal Law Act 1977 (c. 45) and the Animal Health Act 1981 (c. 22). Schedule 5. In Schedule 6, paragraph 17.
Prosecution of Offences Act 1985 (c. 23)	In section 3(3), in the definition of “police force”, the words “, the National Crime Squad”.
Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)	In section 7(2), the words “, and may arrest such a person”.
Public Order Act 1986 (c. 64)	Section 3(6). Section 4(3). Section 4A(4). Section 5(4) and (5). Section 12(7). Section 13(10). Section 14(7). Section 14B(4). Section 14C(4). Section 18(3).
Ministry of Defence Police Act 1987 (c. 4)	In section 2B(3), in the definitions of “chief officer” and “relevant force”, paragraphs (c) and (d).
Criminal Justice Act 1988 (c. 33)	Section 140(1)(a) and (b). In Schedule 15, paragraphs 98 and 102.
Road Traffic Act 1988 (c. 52)	Section 4(6) to (8). In section 124(2), the definitions of “chief officer of police”, “police authority” and “police force”. Section 144(2)(ba). Section 163(4).
Road Traffic (Consequential Provisions) Act 1988 (c. 54)	In Schedule 3, paragraph 27(5).
Football Spectators Act 1989 (c. 37)	Section 2(4).
Aviation and Maritime Security Act 1990 (c. 31)	In section 22(4)(b), sub-paragraph (iii) and the word “or” before it. In Schedule 3, paragraph 8.
Football (Offences) Act 1991 (c. 19)	Section 5(1).
Road Traffic Act 1991 (c. 40)	In Schedule 4, paragraph 39.
Local Government Finance Act 1992 (c. 14)	In section 43(7)(b), “, (5A)”.
Transport and Works Act 1992 (c. 42)	Section 30(1) and (3). Section 40.
Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)	Section 241(3).
Tribunals and Inquiries Act 1992 (c. 53)	In section 7(2), after “36A”, “(a) or (b)”.

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	In Schedule 1, in paragraph 36A, “(a)” and sub-paragraph (b).
Criminal Justice and Public Order Act 1994 (c. 33)	Section 61(5). Section 62B(4). Section 63(8). Section 65(5). Section 68(4). Section 69(5). Section 76(7). Section 85(1), (2) and (3). Section 155. Section 166(4). Section 167(7). In Schedule 10, paragraph 59.
Drug Trafficking Act 1994 (c. 37)	In Schedule 1, paragraph 9 and, in paragraph 25, the words “section 9(6) of” and the words after “1990”.
Criminal Appeal Act 1995 (c. 35)	In section 22(2), in paragraph (a), the words “, the National Crime Squad”, paragraph (b) (ii) and paragraphs (d) and (e).
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)	In Schedule 4, paragraph 76(2).
Disability Discrimination Act 1995 (c. 50)	In the section 64A inserted by the Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), in subsection (7), in the definitions of “chief officer of police”, “police authority” and “police fund”, paragraph (b).
Reserve Forces Act 1996 (c. 14)	In Schedule 2, paragraph 2(1).
Police Act 1996 (c. 16)	Section 23(8). Section 24(5). In section 54(2), the words “the National Criminal Intelligence Service and the National Crime Squad”. Section 55(7). Section 59(8). Section 60(2A). Section 61(1)(aa) and (ba). In section 62, subsection (1)(aa) and (ab), the subsection (1A) inserted by paragraph 82(2) of Schedule 9 to the Police Act 1997, and subsections (1B) and (1C). In section 63, subsections (1A) and (1B). In section 64, subsections (4A) and (4B). In section 88(5)(b), the words “or section 23 of the Police Act 1997”. In section 89(4)(a), the words “or by a member of the National Criminal Intelligence Service or of the National Crime Squad”.

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	Section 97(1)(ca) and (cb). In section 98, in subsections (2) and (3), the words “or the Director General of the National Crime Squad” and “or the National Crime Squad”, subsection (3A), in subsection (4) the words “or the National Crime Squad” and “or the Director General of the National Crime Squad”, in subsection (5) the words “or the National Crime Squad” (in both places) and “or the Director General of the National Crime Squad” and subsection (6A).
Employment Rights Act 1996 (c. 18)	Section 50(2)(ca).
Offensive Weapons Act 1996 (c. 26)	Section 1(1).
Public Order (Amendment) Act 1996 (c. 59)	The whole Act.
Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))	In Schedule 2, the entry relating to members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.
Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))	Article 67KA(3)(b). Article 72A(2)(b). Article 169A(2)(b).
Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)	Section 1(5).
Police (Health and Safety) Act 1997 (c. 42)	In section 5(3), in the definition of “relevant authority” paragraphs (c) and (d), in the definition of “relevant fund” paragraphs (b) and (c) and, in the definition of “responsible officer”, paragraph (b).
Police Act 1997 (c. 50)	Sections 1 to 87. Sections 89 and 90. In section 93(6), paragraphs (d) and (e). In section 94, in subsection (1) paragraph (c) and the word “or” before it and subsections (3) and (4)(c). In section 111, in subsection (1), paragraphs (c) and (d), in subsection (2), paragraphs (d) and (e) and, in subsection (3), paragraphs (c) and (d). Section 113. Section 115. In section 125 as it applies to Scotland, subsection (3) and, in subsection (4), the words “to which subsection (3) does not apply”. In section 137(2), paragraphs (b) and (c). Schedules 1 to 2A.

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	In Schedule 9, paragraphs 1, 4 to 6, 11, 14(b), 15, 16, 20, 26, 29(2), 30(2), 31, 44, 46 to 48, 54, 58 to 62, 69, 70, 71(2)(a), (c), (d) and (3), 73, 74, 76, 77, 79 to 84, 86(3) and (4), 87, 88 and 92.
Police (Health and Safety) (Northern Ireland) Order 1997 (S.I. 1997/1774 (N.I. 6))	In Article 7(3), in the definition of “the relevant authority”, sub-paragraph (b), in the definition of “the relevant fund”, sub-paragraph (a) and, in the definition of “the responsible officer”, sub-paragraph (b).
Police (Northern Ireland) Act 1998 (c. 32)	Section 27(1)(b). In section 42, in subsection (1) “, (3)”, and subsection (7). In Schedule 4, paragraph 22.
Crime and Disorder Act 1998 (c. 37)	In section 1C, subsections (6) to (8). Section 27(1). Section 31(2) and (3). Section 113.
Protection of Children Act 1999 (c. 14)	Section 8.
Terrorism Act 2000 (c. 11)	In Schedule 15, paragraph 5(11).
Care Standards Act 2000 (c. 14)	Section 90. Section 102. Section 104. In Schedule 4, paragraph 25.
Regulation of Investigatory Powers Act 2000 (c. 23)	In section 33, in subsection (1) the words “, the National Criminal Intelligence Service or the National Crime Squad” and “, Service or Squad”, in subsection (3) the words “, the National Criminal Intelligence Service or the National Crime Squad” and (in both places) “, Service or Squad” and, in subsection (6), in paragraph (e) the words “and also of the National Criminal Intelligence Service” and paragraph (f). In section 34, subsections (5) and (6)(c). In section 45(6), paragraphs (d) and (e). In section 56(1), in the definition of “chief officer of police”, paragraphs (j) and (k) Section 75(6)(b). In section 76A(11)(c) the words “the National Crime Squad or”. In Schedule 1, paragraph 27D and the cross-heading before it. In Schedule 4, paragraph 8(4)(c) and (5).
Football (Disorder) Act 2000 (c. 25)	Section 2. In Schedule 2, paragraph 2.
Police (Northern Ireland) Act 2000 (c. 32)	In Schedule 6, in paragraph 20, sub-paragraphs (4) to (7).

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Freedom of Information Act 2000 (c. 36)	In section 23(3), the word “and” at the end of paragraph (k). In Schedule 1, in Part 6, the entries relating to the National Crime Squad and the Service Authority for the National Crime Squad.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 7, paragraph 77.
Health and Social Care Act 2001 (c. 15)	Section 19.
Criminal Justice and Police Act 2001 (c. 16)	Section 42(8). Section 47(3). In section 104, subsection (3), in subsection (4) paragraph (c) and the word “and” before it, and subsection (8). In section 107, subsections (1)(c) and (4). Sections 108 to 121. Section 138(6)(d). In Schedule 4, paragraph 7(3)(b). Schedule 5. In Schedule 6, paragraphs 1 to 21, 55, 56, 60, 61 and 77.
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Section 39(8).
Regulation of Care (Scotland) Act 2001 (asp 8)	In Schedule 3, paragraph 21.
International Development Act 2002 (c. 1)	In Schedule 3, paragraphs 3(3), 11(3) and 12(3).
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	In Schedule 2, paragraph 64.
Proceeds of Crime Act 2002 (c. 29)	In section 313(1), paragraphs (c) and (d). In section 330, <sup>F21</sup> ... in subsection (9)(b), the words after “employment”. <sup>F22</sup> ... <sup>F22</sup> ... <sup>F22</sup> ... In section 337(5)(b), the words after “employment”. In section 338, subsection (1)(b) (except the word “and” at the end) and, in subsection (5) (b), the words after “employment”. Section 339(5) and (6). In section 447(3)(a), the word “or” at the end. In Schedule 11, paragraphs <sup>F23</sup> ... 14(4), 30(3) and (4) and 34(3) and (4).
Police Reform Act 2002 (c. 30)	Section 8. In section 9(3)(e) the words “is or”. In section 10, in subsection (1), at the end of paragraph (e) the word “and”, in

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Education Act 2002 (c. 32)

paragraph (f) the words “the National Criminal Intelligence Service, the National Crime Squad and”, in subsection (3), paragraph (a) and, in paragraph (d), the words “the National Criminal Intelligence Service, the National Crime Squad or” and, in subsection (7), the word “or” at the end of paragraph (a).

In section 15(6), the words from “or, as the case may be” to the end of the subsection.

Section 25.

In section 38, subsection (3), in subsection (4) the words “or a Director General” and, in subsection (7), the words “or of a Service Authority”.

Section 42(4) and (8).

In section 45, in subsection (1) the words “and by Directors General”, in subsection (3) paragraphs (a), (b), (d) and (e) and, in subsection (5), the words “or a Director General”.

In section 47(1), the definitions of “Director General” and “Service Authority”.

Section 48.

Section 49(1).

In section 82, subsection (1)(c) and (f), in subsection (2), paragraph (c) and the word “or” before it, subsection (3)(d) and subsection (5).

Sections 85 to 91.

Section 93.

In section 102, in subsection (2), paragraphs (c) and (d) and, in subsection (5), paragraphs (b) and (c).

In section 103, subsections (2) and (3) and, in subsection (6), the words “, the NCIS service fund or the NCS service fund,”.

Section 108(7)(e).

Schedule 1.

In Schedule 4, paragraph 2(5)(a) and (7), and in paragraph 36(1), paragraph (b) and the word “and” before it.

In Schedule 5, in paragraph 1(2)(aa), the words “except in respect of an offence under section 12 of the Licensing Act 1872 or section 91 of the Criminal Justice Act 1967”.

Schedule 6.

In Schedule 7, paragraphs 16, 17, 19(2) and (3), 21 and 22(2).

Part 2 of Schedule 12.

In Schedule 13, paragraphs 7 and 8.

In Schedule 21, paragraphs 72 and 73.

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Adoption and Children Act 2002 (c. 38)	Section 135. In Schedule 3, paragraph 93.
Licensing Act 2003 (c. 17)	In Schedule 6, paragraphs 93 and 116.
Aviation (Offences) Act 2003 (c. 19)	Section 1(1).
Communications Act 2003 (c. 21)	Section 181(1).
Crime (International Co-operation) Act 2003 (c. 32)	In section 17(3), the words “the Police and Criminal Evidence Act 1984 (c. 60) or (as the case may be)”. Section 85.
Anti-social Behaviour Act 2003 (c. 38)	Section 4(5). Section 23(5). Section 32(3). Section 37(3).
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 12 and 281(2).
Sexual Offences Act 2003 (c. 42)	In Schedule 6, paragraph 28(3) and (4).
Criminal Justice Act 2003 (c. 44)	Section 3. In Schedule 35, paragraphs 3 and 4.
Protection of Children (Scotland) Act 2003 (asp 5)	Section 12.
Criminal Justice (Scotland) Act 2003 (asp 7)	Section 70(3).
Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417 (N.I. 4))	Article 17(4) to (6). Article 47(3) to (5).
Energy Act 2004 (c. 20)	In section 59(3), in the definition of “chief officer”, paragraphs (c) and (d) and, in the definition of “relevant force”, paragraphs (c) and (d). In Schedule 14, paragraph 11(b).
Domestic Violence, Crime and Victims Act 2004 (c. 28)	Section 10(1). In Schedule 10, paragraph 24.
Hunting Act 2004 (c. 37)	Section 7.
Prevention of Terrorism Act 2005 (c. 2)	Section 9(9).
Serious Organised Crime and Police Act 2005 (c. 15)	Section 112(6) and (7). Section 126(2) and (3). Section 130(1). Section 136(5).

#### Textual Amendments

- F21** Words in Sch. 17 Pt. 2 omitted (1.1.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(Amendment\) Order 2005 \(S.I. 2005/3496\)](#), arts. 1(1), **5(a)**
- F22** Words in Sch. 17 Pt. 2 omitted (1.1.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(Amendment\) Order 2005 \(S.I. 2005/3496\)](#), arts. 1(1), **5(b)**

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**F23** Word in Sch. 17 Pt. 2 omitted (1.1.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(Amendment\) Order 2005 \(S.I. 2005/3496\)](#), arts. 1(1), **5(c)**

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