



Policing and Crime Act 2009

CHAPTER 26

POLICING AND CRIME ACT 2009

PART 1

POLICE REFORM

Public accountability

- 1 Duty of police authorities in relation to public accountability

Appointment of senior officers

- 2 Police Senior Appointments Panel
- 3 Regulations about senior officers
- 4 Metropolitan police force appointments

Police co-operation

- 5 Police collaboration
- 6 Authorisations to interfere with property etc
- 7 Authorisations for obtaining and disclosing communications data
- 8 Authorisations of covert human intelligence sources: conditions
- 9 Authorisations for surveillance etc
- 10 Police officers engaged on service outside their force etc
- 11 Police equipment
- 12 Police procedures and practices
- 13 Police facilities and services

PART 2

SEXUAL OFFENCES AND SEX ESTABLISHMENTS

Status: Point in time view as at 12/03/2010.

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Prostitution

- 14 Paying for sexual services of a prostitute subjected to force etc: England and Wales
- 15 Paying for sexual services of a prostitute subjected to force etc: Northern Ireland
- 16 Amendment to offence of loitering etc for purposes of prostitution
- 17 Orders requiring attendance at meetings
- 18 Rehabilitation of offenders: orders under section 1(2A) of the Street Offences Act 1959
- 19 Soliciting: England and Wales
- 20 Soliciting: Northern Ireland

Closure orders: sexual offences

- 21 Closure orders

Orders imposed on sex offenders

- 22 Time limits
- 23 Foreign travel orders: grounds
- 24 Foreign travel orders: duration
- 25 Foreign travel orders: surrender of passports

Indecent photographs of children

- 26 Penalty for contravening notice relating to encrypted information

Sex establishments

- 27 Regulation of lap dancing and other sexual entertainment venues etc

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- 28 Selling alcohol to children
- 29 Confiscating alcohol from young persons
- 30 Offence of persistently possessing alcohol in a public place
- 31 Directions to individuals who represent a risk of disorder
- 32 Mandatory licensing conditions relating to alcohol
- 33 Individual members of licensing authorities to be interested parties

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Power to grant injunctions

- 34 Injunctions to prevent gang-related violence

Contents of injunctions

- 35 Contents of injunctions
- 36 Contents of injunctions: supplemental

Applications

- 37 Applications for injunctions under section 34

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- 38 Consultation by applicants for injunctions
- 39 Applications without notice

Interim injunctions

- 40 Interim injunctions: adjournment of on notice hearing
- 41 Interim injunctions: adjournment of without notice hearing

Variation and discharge

- 42 Variation or discharge of injunctions

Arrest and remand

- 43 Arrest without warrant
- 44 Issue of warrant of arrest
- 45 Remand for medical examination and report
- 46 Further provision about remands

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- 47 Guidance
- 48 Supplemental
- 49 Interpretation
- 50 Review of operation of this Part

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Confiscation

- 51 Recovery of expenses etc
- 52 Power to retain seized property: England and Wales
- 53 Power to retain seized property: Scotland
- 54 Power to retain seized property: Northern Ireland
- 55 Search and seizure of property: England and Wales
- 56 Search and seizure of property: Scotland
- 57 Search and seizure of property: Northern Ireland
- 58 Power to sell seized personal property: England and Wales
- 59 Power to sell seized personal property: Scotland
- 60 Power to sell seized personal property: Northern Ireland
- 61 Payment of compensation

Civil recovery

- 62 Limitation
- 63 Power to search vehicles
- 64 Detention of seized cash
- 65 Forfeiture of detained cash

Detained cash investigations

- 66 Transfer of jurisdiction to Crown Court

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Alerts

- 67 Article 26 alerts
- 68 Article 95 alerts

Deferral of extradition

- 69 Extradition to category 1 territory
- 70 Extradition to category 2 territory
- 71 Person charged with offence or serving sentence of imprisonment

Return to overseas territory

- 72 Return from category 1 territory
- 73 Return from category 2 territory

Extradition to UK

- 74 Return to extraditing territory etc
- 75 Cases in which sentence treated as served
- 76 Dealing with person for other offences

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- 77 Provisional arrest
- 78 Use of live link in extradition proceedings

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- 80 Policing at airports

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SAFEGUARDING VULNERABLE GROUPS AND CRIMINAL RECORDS

Renaming of Independent Barring Board

- 81 Renaming of Independent Barring Board

Safeguarding vulnerable groups: England and Wales

- 82 Educational establishments: check on members of governing body
- 83 Monitoring application
- 84 Monitoring: additional fees
- 85 Vetting information
- 86 Notification of cessation of monitoring
- 87 Notification of proposal to include person in barred list
- 88 Provision of safeguarding information to the police
- 89 Barring process

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Safeguarding vulnerable groups: Northern Ireland

- 90 Notification of proposal to include person in barred list: Northern Ireland
- 91 Provision of safeguarding information to the police: Northern Ireland
- 92 Barring process: Northern Ireland

Criminal records etc

- 93 Criminal conviction certificates to be given to employers
- 94 Certificates of criminal records etc: right to work information
- 95 Criminal conviction certificates: verification of identity
- 96 Registered persons
- 97 Criminal records: applications

CHAPTER 2

OTHER

Border controls

- 98 General information powers in relation to persons entering or leaving the UK
- 99 Powers in relation to cash
- 100 Lawful interception of postal items by Revenue and Customs
- 101 Prohibition on importation or exportation of false identity documents etc
- 102 Prohibition on importation of offensive weapons

Football spectators

- 103 Prohibiting attendance at matches in Scotland and Northern Ireland etc
- 104 Requirements to report at police stations
- 105 Enforcement of 1989 Act in Scotland and Northern Ireland
- 106 Enforcement of 2006 Act in England and Wales and Northern Ireland
- 107 Relevant offences for purposes of Part 2 of 1989 Act

Other

- 108 Strategies for crime reduction etc: probation authorities
- 109 Application of aspects of UK law to SOCA employees working abroad
- 110 Partial exemption for SCDEA from Firearms Act 1968
- 111 Removal of limitation on warrants under Misuse of Drugs Act 1971

PART 9

GENERAL

- 112 Minor and consequential amendments and repeals and revocations
- 113 Transitional, transitory and saving provision
- 114 Financial provisions
- 115 Extent
- 116 Commencement
- 117 Short title

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Schedules

Schedule 1 — Schedule to the Street Offences Act 1959
Schedule ORDERS UNDER SECTION 1(2A): BREACH,
AMENDMENT ETC. Section 1A(11)...

Schedule 2 — Closure orders

- 1 After Part 2 of the Sexual Offences Act 2003 (c....
- 2 In section 138 of that Act (orders and regulations), in...
- 3 In section 142 of that Act (extent), in subsection (2)(c)...

Schedule 3 — Lap dancing and other sexual entertainment venues etc:
transitional provision

Effect of section 27: cases where no existing resolutions passed

- 1 A resolution made on or after the coming into force...

Effect of section 27: cases where existing resolutions in force

- 2 (1) Sub-paragraph (2) applies if a local authority has, before...

Power to make transitional provision on adoption of Schedule 3 to the 1982 Act as amended

- 3 (1) The relevant national authority may by order make such...

Duty to consult about adopting Schedule 3 to the 1982 Act as amended

- 4 (1) Sub-paragraph (2) applies if a local authority has not...

Interpretation

- 5 In this Schedule— “the 1982 Act” means the Local Government...

Schedule 4 — Mandatory licensing conditions relating to alcohol
Part 1 — PREMISES LICENCES

Types of mandatory conditions

- 1 After section 19(3) of the Licensing Act 2003 (c. 17)...

Power of Secretary of State to impose section 19(4) mandatory conditions

- 2 After section 19 of that Act insert— Power of Secretary...
Part 2 — CLUB PREMISES CERTIFICATES

Mandatory conditions relating to the supply of alcohol to members or guests

- 3 After section 73 of the Licensing Act 2003 (c. 17)...

Power of Secretary of State to impose section 73A mandatory conditions

- 4 After section 73A of that Act (as inserted by paragraph...

Schedule 5 — Injunctions: powers to remand

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Introductory

- 1 (1) The provisions of this Schedule apply where the court...

Remand in custody or on bail

- 2 (1) The court may— (a) remand the person in custody,...
3 (1) Where a person is remanded on bail, the court...
4 (1) The court may not remand a person for a...

Further remand

- 5 (1) If the court is satisfied that a person who...

Postponement of taking recognizance

- 6 Where under paragraph 2(2)(b) the court fixes the amount in...

Requirements imposed on remand on bail

- 7 The court may when remanding a person on bail under...

Schedule 6 — Amendment of Part 3 of the Aviation Security Act 1982

Part 1 — AMENDMENTS

- 1 Part 3 of the Aviation Security Act 1982 (c. 36)...
2 Omit section 25 (designated airports) and the cross-heading before it...
3 Omit section 25A (consultation about policing of designated airports).
4 Before section 25B (police services agreements) insert— Policing of
aerodromes...
5 For section 25B substitute— Police services agreements (1) There must
be a police services agreement in force...
6 (1) Section 26 (exercise of police functions) is amended as...
7 (1) Section 27 (prevention of theft) is amended as follows....
8 (1) Section 28 (byelaws) is amended as follows.
9 (1) Section 29 (control of road traffic) is amended as...
10 For sections 29A to 29D substitute— Power to refer disputes...
11 Omit section 30 (supplementary orders).
12 (1) Section 31 (interpretation etc.) is amended as follows.
13 In section 39 (extension of Act outside United Kingdom), in...

Part 2 — TRANSITIONAL AND SAVING PROVISION

Transitional provision for designated airports

- 14 (1) This paragraph applies in relation to an aerodrome if,...

Repeal of section 30 of the 1982 Act

- 15 (1) The repeal of section 30 of the 1982 Act...

Schedule 7 — Minor and consequential amendments

Part 1 — POLICE COLLABORATION

Police Act 1996 (c. 16)

- 1 The Police Act 1996 is amended as follows.
2 In section 9A (general functions of the Commissioner of Police...
3 In section 10 (general functions of chief constables) after subsection...

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- 4 In section 15(2) (direction and control of civilian employees) after...
- 5 In section 18 (supply of goods and services) after subsection...
- 6 In section 27(2) (special constables) after “Subject to” insert “...
7 In section 30 (jurisdiction)— (a) in subsection (3A) for “section...

Railways and Transport Safety Act 2003 (c. 20)

- 8 The Railways and Transport Safety Act 2003 is amended as...
- 9 In section 24 (constables of the British Transport Police Force)...
- 10 In section 27 (employees of the British Transport Police Authority)...

Energy Act 2004 (c. 20)

- 11 In section 55 of the Energy Act 2004 (members of...
Part 2 — POLICE AUTHORISATIONS IN RESPECT OF COMMUNICATIONS
DATA
- 12 The Regulation of Investigatory Powers Act 2000 (c. 23) is...
- 13 In section 22(5) (conditions for granting authorisation or giving
notice)...
- 14 In section 23 (form and duration of authorisations and notices)...
- 15 In section 49(1)(c) (protected information coming into person's
possession by...
- 16 In section 58(1)(g) (persons subject to duty of disclosure to...
- 17 In section 68(7)(g) (persons subject to duty of disclosure to...
Part 3 — SEXUAL OFFENCES AND SEX ESTABLISHMENTS

Children and Young Persons Act 1969 (c. 54)

- 18 (1) Section 32 of the Children and Young Persons Act...

Bail Act 1976 (c. 63)

- 19 In section 4 of the Bail Act 1976 (general right...

Child Abduction Act 1984 (c. 37)

- 20 In the Schedule to the Child Abduction Act 1984 (modifications...

Children Act 1989 (c. 41)

- 21 In section 21 of the Children Act 1989 (provision for...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 22 In section 19 of the Powers of Criminal Courts (Sentencing)...

Licensing Act 2003 (c. 17)

- 23 In Part 2 of Schedule 1 to the Licensing Act...

Sexual Offences Act 2003 (c. 42)

- 24 In section 54 of the Sexual Offences Act 2003 (meaning...
- 25 (1) Schedule 5 to that Act (other offences in respect...

Sexual Offences (Northern Ireland) Order 2008 (S.I. 1769 (N.I. 2))

- 26 In Article 58 of the Sexual Offences (Northern Ireland) Order...

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Part 4 — ALCOHOL MISUSE OTHER THAN MANDATORY LICENSING
CONDITIONS

- 27 In the Police Reform Act 2002 (c. 30), in paragraph...
- 28 (1) In the Police (Northern Ireland) Act 2003 (c. 6),...
- Part 5 — MANDATORY LICENSING CONDITIONS RELATING TO ALCOHOL
- 29 The Licensing Act 2003 (c. 17) is amended as follows...
- 30 In section 24(2)(f) (form of premises licence) for “has effect”...
- 31 In section 25A(6) (grant of premises licence: supply of alcohol...
- 32 In section 35(7) (determination of application to vary premises
licence)...
- 33 In section 41D(5) (variation of premises licence: supply of alcohol...
- 34 In section 52(5) (determination of application for review of premises...
- 35 In section 52A(3) (review: supply of alcohol from community
premises)...
- 36 In section 53C(5) (summary reviews of premises licences) for “19,...
- 37 (1) Section 57 (duty to keep and produce licence) is...
- 38 In section 72(2)(b) and (4)(a)(ii) (determination of application for club...
- 39 In section 78(2)(e) (form of club premises certificate) for “has...
- 40 In section 85(7) (determination of application to vary club premises...
- 41 In section 88(5) (determination of application for review of club...
- 42 (1) Section 94 (duty to keep and produce certificate) is...
- 43 In section 167(7) (review of premises licence following closure order)...
- 44 (1) Section 197 (regulations and orders) is amended as follows....
- Part 6 — PROCEEDS OF CRIME: CONFISCATION

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

- 45 (1) Part 1 of Schedule 1 to the Legal Aid,...

Bankruptcy (Scotland) Act 1985 (c. 66)

- 46 The Bankruptcy (Scotland) Act 1985 is amended as follows.
- 47 In section 7(1) (meaning of apparent insolvency)—
- 48 (1) Section 31A (property subject to restraint order) is amended...
- 49 After section 31A insert— Property released from detention (1) This
section applies where— (a) property is excluded from...
- 50 In section 31B(1)(a) (property in respect of which receivership or...
- 51 After section 31B insert— Property in respect of which realisation...
- 52 (1) Section 31C (property subject to certain orders where confiscation...

Insolvency Act 1986 (c. 45)

- 53 The Insolvency Act 1986 is amended as follows.
- 54 (1) Section 306A (property subject to restraint order) is amended...
- 55 After section 306A insert— Property released from detention (1) This
section applies where— (a) property is excluded from...
- 56 In section 306B(1)(a) (property in respect of which receivership or...
- 57 After section 306B insert— Property in respect of which realisation...
- 58 (1) Section 306C (property subject to certain orders where
confiscation...

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

- 59 The Insolvency (Northern Ireland) Order 1989 is amended as follows....
- 60 (1) Article 279A (property subject to restraint order) is amended...

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- 61 After Article 279A insert— Property released from detention (1) This Article applies where— (a) property is excluded from...
- 62 In Article 279B(1)(a) (property in respect of which receivership or...
- 63 After Article 279B insert— Property in respect of which realisation...
- 64 (1) Article 279C (property subject to certain orders where confiscation...

Access to Justice Act 1999 (c. 22)

- 65 (1) Schedule 2 to the Access to Justice Act 1999...

Proceeds of Crime Act 2002 (c. 29)

- 66 The Proceeds of Crime Act 2002 is amended as follows...
- 67 In section 69(1) (exercise of powers of court and receiver)...
- 68 In section 85 (proceedings: England and Wales) for subsection (7)...
- 69 In section 87(2) (definition of confiscation order subject to appeal:...
- 70 After section 87 insert— No further possibility of appeal (1) The following rule applies for the purposes of construing...
- 71 In section 132(1) (exercise of powers of court and administrator)...
- 72 In section 153(2) (definition of confiscation order subject to appeal:...
- 73 After section 153 insert— No further possibility of appeal (1) The following rule applies for the purposes of construing...
- 74 In section 217(1) (exercise of powers of court and receiver)...
- 75 In section 233 (proceedings: Northern Ireland) for subsection (7) substitute—...
- 76 In section 235(2) (definition of confiscation order subject to appeal:...
- 77 After section 235 insert— No further possibility of appeal (1) The following rule applies for the purposes of construing...
- 78 In section 308 (recoverable property: exceptions) after subsection (8) insert—...
- 79 In section 417 (property excluded from estate of person adjudged...
- 80 (1) Section 418 (restriction of powers where person adjudged bankrupt...
- 81 (1) Section 419 (tainted gifts by person adjudged bankrupt in...
- 82 In section 420 (property excluded from the debtor's estate where...
- 83 (1) Section 421 (restriction of powers where award of sequestration)...
- 84 (1) Section 422 (tainted gifts by person whose estate is...
- 85 In section 423 (property excluded from estate of person adjudged...
- 86 (1) Section 424 (restriction of powers where person adjudged bankrupt...
- 87 (1) Section 425 (tainted gifts by person who is adjudged...
- 88 (1) Section 426 (winding up under the Insolvency Act 1986)...
- 89 (1) Section 427 (tainted gifts by company: winding up in...
- 90 (1) Section 428 (winding up under the Insolvency (Northern Ireland)...
- 91 (1) Section 429 (tainted gifts by company: winding up in...
- 92 (1) Section 430 (restriction of powers where company holds property...
- 93 (1) Section 432 (insolvency practitioners) is amended as follows.
- 94 In section 453A(5) (offences in relation to financial investigators) for...
- 95 (1) Section 459 (orders and regulations) is amended as follows....

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

- 96 (1) Schedule 2 to the Access to Justice (Northern Ireland)...
- Part 7 — PROCEEDS OF CRIME: FORFEITURE OF DETAINED CASH

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Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

97 In paragraph 3(j) of Part 1 of Schedule 1 to...

Access to Justice Act 1999 (c. 22)

98 In paragraph 2(3)(l) of Schedule 2 to the Access to...

Proceeds of Crime Act 2002 (c. 29)

99 The Proceeds of Crime Act 2002 is amended as follows...

100 In section 7 (recoverable amount for the purpose of confiscation...

101 (1) Section 82 (definition of “free property”) is amended as...

102 In section 93 (recoverable amount for the purpose of confiscation...

103 (1) Section 148 (definition of “free property”) is amended as...

104 In section 157 (recoverable amount for the purpose of confiscation...

105 (1) Section 230 (definition of “free property”) is amended as...

106 In section 278 (limit on recovery by recovery order) after...

107 In section 300(1) (application of cash forfeited by court under...

108 (1) Section 301 (victims and other owners: application for release...

109 (1) Section 302 (compensation) is amended as follows.

110 In section 341(3A)(a) and (b) (definition of detained cash
investigation)...

111 In paragraph 3(3) of Schedule 10 (capital gains tax) after...

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

112 In paragraph 2(d)(xii) of Schedule 2 to the Access to...

UK Borders Act 2007 (c. 30)

113 In section 24(2)(c) of the UK Borders Act 2007 (application...

Part 8 — PROCEEDS OF CRIME: DETAINED CASH INVESTIGATIONS

114 In section 18 of the Civil Jurisdiction and Judgments Act...

115 In section 64 of the Criminal Justice and Police Act...

116 For paragraph 13A of Schedule 2 to the Commissioners for...

Part 9 — EXTRADITION

117 In section 185(5) of the Extradition Act 2003 (c. 41)...

Part 10 — CRIMINAL RECORDS

118 In section 119 of the Police Act 1997 (c. 50)...

Part 11 — BORDER CONTROLS

119 (1) Section 141 of Criminal Justice Act 1988 (c. 33)...

120 In section 289(8) of the Proceeds of Crime Act 2002...

Part 12 — FOOTBALL SPECTATORS

121 In section 33 of the Serious Organised Crime and Police...

Part 13 — REDUNDANT PROVISIONS ETC

Proof of intention to supply a controlled drug

122 (1) The Misuse of Drugs Act 1971 (c. 38) is...

Staff custody officers

123 (1) The Police and Criminal Evidence Act 1984 (c. 60)...

124 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

125 (1) The Police Reform Act 2002 (c. 30) is amended...

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126 (1) The Police (Northern Ireland) Act 2003 (c. 6) is...

Secretary of State's approval of devices for taking fingerprints and samples

127 (1) The Police and Criminal Evidence Act 1984 (c. 60)...

128 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

Additional time limits for prosecuting persons under 18

129 Omit section 22A of the Prosecution of Offences Act 1985...

Access to driver licensing records

130 Omit section 105(2)(b) of the Road Traffic Act 1988 (c....

131 Omit section 36 of the Vehicles (Crime) Act 2001 (c....

132 Omit Article 81 of the Road Traffic (Northern Ireland) Order...

Minor amendment

133 In section 40B(7) of the Police Act 1996 (c. 16)...

Local child curfew schemes

134 (1) The Crime and Disorder Act 1998 (c. 37) is...

Schedule 8 — Repeals and revocations

Part 1 — APPOINTMENT OF SENIOR POLICE OFFICERS

Part 2 — SEXUAL OFFENCES

Part 3 — ALCOHOL MISUSE

Part 4 — PROCEEDS OF CRIME: CONFISCATION

Reference Extent of repeal or revocation Bankruptcy (Scotland) Act 1985...

Part 5 — PROCEEDS OF CRIME: DETAINED CASH INVESTIGATIONS

Part 6 — EXTRADITION

Part 7 — SECURITY PLANNING AT AIRPORTS

Part 8 — SAFEGUARDING VULNERABLE GROUPS AND CRIMINAL RECORDS

Part 9 — BORDER CONTROL POWERS IN RELATION TO CASH

Part 10 — OFFENSIVE WEAPONS

Part 11 — FOOTBALL SPECTATORS

Part 12 — MISUSE OF DRUGS ACT 1971: WARRANTS

Part 13 — REDUNDANT PROVISIONS

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