

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

110. Subject to certain exceptions the provisions in the Act extend to England and Wales only. The provisions in sections 106(2)(a)(ii) and (6), 107 to 110, 112, 133(3) and 178 extend to Great Britain, whilst those in sections 111, 113 (and Schedule 5), 131, 133(5), 146(2), 147 (and Schedule 8), 148 (and Schedule 9), 150, 155 to 165, 167 to 170, 176(7) and 180 extend to the whole of the United Kingdom. Sections 122 and 172 extend to Scotland only. Sections 132 (and Schedule 7) and 175 also extend to Northern Ireland (as well as to England and Wales) and sections 134 and 173 extend only to Northern Ireland. Although section 115 (and Schedule 6), which relate to closure powers under the Sexual Offences Act 2003, also extend to Northern Ireland the extended powers to close premises used for child sexual exploitation only apply to premises in England and Wales. In relation to Scotland and Wales, the Act addresses both devolved and non-devolved matters. In relation to Northern Ireland, the provisions relate to excepted or reserved matters or to matters not considered to be within the legislative competence of the Northern Ireland Assembly.
111. The following provisions in the Act which extend to Scotland relate to matters which are reserved or otherwise not within the legislative competence of the Scottish Parliament:
- The increase in the maximum penalty for the illegal importation/exportation of firearms and the creation of a new offence of “possession for sale or transfer” (sections 108 and 111);
 - The removal of the requirement for BTP officers and their civilian staff who are under the direction and control of the chief constable to obtain firearms certificates under the Firearms Act 1968 (section 112);
 - The retention of personal samples from persons detained under Schedule 8 to the Terrorism Act 2000 (section 146(2));
 - The introduction of powers to seize invalid passports and other documents (section 147 and Schedule 8);
 - The amendment of the counter-terrorism border security powers contained in Schedules 7 and 8 to the Terrorism Act 2000 (section 148 and Schedule 9);
 - The amendments to the Extradition Act 2003 (Part 12);
 - The amendment to the Armed Forces Act 2006 to ensure that Service police may continue to exercise those PACE powers normally applicable only in respect of indictable offences when dealing with cases of low value shop theft (section 176(7)); and
 - The power to make regulations about court and tribunal fees (section 180).

These notes refer to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) which received Royal Assent on 13 March 2014

112. In relation to Wales, the provisions in respect of community protection notices (Chapter 1 of Part 4), public spaces protection orders (Chapter 2 of Part 4) and the community trigger (sections 104 and 105) relate to a mix of reserved and transferred matters, whilst those in respect of the recovery of possession of dwelling-houses on anti-social behaviour grounds (Part 5) and the application of financial controls in Local Government Act 2003 to chief officers of police (section 141) relate to devolved matters or confer functions on the Welsh Ministers. All other provisions relate, in the view of the United Kingdom Government, to non-devolved matters.
113. The provisions of the Act relating to the following excepted or reserved matters also extend to Northern Ireland:
- The increase in the maximum penalty for the illegal importation/exportation of firearms (section 111);
 - The introduction of powers to seize invalid passports and other documents (section 147 and Schedule 8);
 - The amendment of the counter-terrorism border security powers contained in Schedules 7 and 8 to the Terrorism Act 2000 (section 148 and Schedule 9);
 - The amendments to the Extradition Act 2003 (Part 12);
 - Establishing in law a test that a new fact must show beyond reasonable doubt that a person did not commit the offence for the purpose of determining eligibility for compensation for miscarriages of justice insofar as applications fall to be determined by the Secretary of State for Northern Ireland (section 175);
 - The amendment to the Armed Forces Act 2006 to ensure that Service police may continue to exercise those PACE powers normally applicable only in respect of indictable offences when dealing with cases of low value shop theft (section 176(7)); and
 - The power to make regulations about court and tribunal fees (section 180).