



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 11

POLICING ETC

VALID FROM 13/05/2014

College of Policing

123 Regulations to be prepared or approved by the College

(1) In section 50 of the Police Act 1996 (regulations for police forces), after subsection (2ZA) there is inserted—

“(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g), the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(2ZC) The Secretary of State may not make regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g) unless the text of the regulations has been prepared or approved by the College of Policing.”

(2) In section 51 of that Act (regulations for special constables), after subsection (2ZA) there is inserted—

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“(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to—

- (a) the ranks to be held by special constables,
- (b) the qualifications for appointment and promotion of special constables,
- (c) periods of service on probation, or
- (d) maintenance of personal records of special constables,

the Secretary of State shall make regulations in terms of the draft.

(2ZC) The duty in subsection (2ZB) does not apply if the Secretary of State considers that—

- (a) making regulations in terms of the draft would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to make regulations in those terms, or
- (c) it would for some other reason be wrong to make regulations in those terms.

(2ZD) The Secretary of State may not make regulations with respect to the matters mentioned in subsection (2ZB) unless the text of the regulations has been prepared or approved by the College of Policing.”

(3) In section 53A of that Act (regulation of procedures and practices)—

(a) after subsection (1) there is inserted—

“(1A) If the College of Policing, having consulted the National Crime Agency, submits to the Secretary of State a draft of regulations under this section, the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(1B) The Secretary of State may not make regulations under this section unless the text of the regulations has been prepared or approved by the College of Policing.”;

(b) subsections (2), (3), (4), (6), (7) and (10) are repealed;

(c) in subsection (9), for “the first regulations to be made” there is substituted “regulations”.

(4) In section 63 of that Act (Police Advisory Board for England and Wales, etc), in subsection (3)(a), before “with respect to” there is inserted “to which section 50(2ZC) applies or regulations”.

(5) In section 97 of the Criminal Justice and Police Act 2001 (regulations about police training etc)—

(a) after subsection (1) there is inserted—

“(1A) If the College of Policing submits to the Secretary of State a draft of regulations under this section, the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

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- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(1B) The Secretary of State may not make regulations under this section unless the text of the regulations has been prepared or approved by the College of Policing.”;

- (b) subsection (4) is repealed.

124 Codes of practice issued by the College

(1) Section 39A of the Police Act 1996 (codes of practice for chief officers) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) The College of Policing may, with the approval of the Secretary of State, issue codes of practice relating to the discharge of their functions by chief officers of police if the College considers that—

- (a) it is necessary to do so in order to promote the efficiency and effectiveness of police forces generally,
- (b) it is necessary to do so in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations, or
- (c) it is for any other reason in the national interest to do so.”

(3) In subsection (2), for “The Secretary of State may” there is substituted “ The College of Policing may, with the approval of the Secretary of State, ”.

(4) For subsection (4) there is substituted—

“(4) The College of Policing shall consult with the National Crime Agency before issuing or revising a code of practice under this section.”

(5) In subsection (5), for “him” there is substituted “ the College of Policing ”.

125 Guidance by the College about employment of civilian staff

After section 53D of the Police Act 1996 there is inserted—

“Civilian staff

53E Guidance about civilian staff employed by local policing bodies and chief officers

(1) In this section “relevant civilian staff” means individuals, other than constables, who—

- (a) are employed by a local policing body or a chief officer of police, or
- (b) provide services to a local policing body or a chief officer of police, in pursuance of contractual arrangements but without being employed by the body or officer, and can be expected to have

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frequent contact with members of the public in the course of doing so.

- (2) The College of Policing may issue guidance to local policing bodies and chief officers of police with regard to—
 - (a) the experience or qualifications to be expected of relevant civilian staff;
 - (b) the training to be undertaken by such staff.
- (3) The College may from time to time revise the whole or any part of any guidance issued under this section.
- (4) The College shall publish any guidance issued under this section and any revision of it.
- (5) In discharging any function to which guidance under this section relates, a local policing body or chief officer of police shall have regard to the guidance.”

126 Power to give directions to the College

After section 40B of the Police Act 1996 there is inserted—

“40C Power to give directions to College of Policing

- (1) The Secretary of State may give a direction to the College of Policing requiring it to exercise any particular function that is conferred on the College by this Act or any other enactment.
- (2) The College of Policing shall carry out such other duties for the purpose of furthering the efficiency, effectiveness or integrity of the police as the Secretary of State may from time to time direct.”

127 Charging of fees by the College

After section 95 of the Police Act 1996 there is inserted—

“95A Charging of fees by College of Policing

- (1) The College of Policing may charge fees for providing services of a public nature only if—
 - (a) the services are of a specified description and are provided with a view to promoting the efficiency, effectiveness or professionalism of the police, and
 - (b) the fees are of a specified amount or are determined in a specified manner.
- (2) In this section “specified” means specified in an order made by the Secretary of State.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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128 Appointment of senior police officers as staff of the College

After section 100 of the Police Act 1996 there is inserted—

“100A Appointment of senior police officers as staff of College of Policing

- (1) This section applies where a person who—
 - (a) holds the office of constable with a rank above that of chief superintendent, or
 - (b) hold that office and is eligible to be appointed to a rank above that of chief superintendent,is appointed as a member of the staff of the College of Policing.
- (2) The person continues to hold the office of constable while a member of the staff of the College.
- (3) On appointment—
 - (a) a person within subsection (1)(a) holds that office with the same rank that the person held immediately before appointment, or with whatever higher rank the College decides;
 - (b) a person within subsection (1)(b) holds that office with whatever rank, above that of chief superintendent, the College decides.”

129 Disclosure of information to the College

After section 100A of the Police Act 1996 (inserted by section 128 above) there is inserted—

“100B Disclosure of information to College of Policing

A person who, apart from this section, would not have power to disclose information to the College of Policing has power to do so where the disclosure is made for the purposes of the exercise by the College of any of its functions.”

130 The College and the IPCC

In Part 2 of the Police Reform Act 2002 (complaints and misconduct), before section 26C (inserted by section 11 of the Crime and Courts Act 2013) there is inserted—

“26BA College of Policing

- (1) The Commission and the College of Policing must enter into an agreement for the establishment, in relation to members of the College's staff, of procedures corresponding or similar to those provided for by or under this Part.
- (2) An agreement under this section—
 - (a) must not be made or varied except with the approval of the Secretary of State; and

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- (b) must not be terminated unless—
- (i) it is replaced by another such agreement, and
 - (ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary hearings in relation to members of the College's staff.

(4) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the College's staff.”

VALID FROM 01/09/2014

Review bodies for police remuneration etc

131 Abolition of Police Negotiating Board for the United Kingdom

- (1) The Police Negotiating Board for the United Kingdom is abolished.
- (2) Sections 61 and 62 of the Police Act 1996 (the Police Negotiating Board for the United Kingdom, and its functions with respect to regulations) are repealed.
- (3) The Secretary of State may secure the reimbursement of payments made under section 61(5) or (7) of the Police Act 1996 (payment by Scottish Ministers or Department of Justice in Northern Ireland towards expenses incurred by the Police Negotiating Board for the United Kingdom) to the extent that, by reason of the abolition of the Board, the payments are not needed.

132 Establishment of Police Remuneration Review Body

- (1) After Part 3 of the Police Act 1996 there is inserted—

“PART 3A

THE POLICE REMUNERATION REVIEW BODY

64A The Police Remuneration Review Body

- (1) There shall be a body called the Police Remuneration Review Body.
- (2) It shall consist of—
 - (a) a chair appointed by the Prime Minister, and
 - (b) five or more other members appointed by the Secretary of State, one of whom the Secretary of State may appoint as deputy chair.
- (3) Before making an appointment, the Prime Minister or the Secretary of State shall consult the Department of Justice in Northern Ireland.
- (4) The Secretary of State may by order—

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- (a) change the name of the body established by this section, and
- (b) make consequential amendments to any provision contained in or made under this or any other Act.

(5) A statutory instrument containing an order under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Schedule 4B shall have effect in relation to the Police Remuneration Review Body.

64B Reports by the Police Remuneration Review Body

(1) The Police Remuneration Review Body shall consider and report on any matter referred to it by the Secretary of State that relates to—

- (a) hours of duty,
- (b) leave,
- (c) pay and allowances, or
- (d) the issue, use and return of police clothing, personal equipment and accoutrements,

as regards members of police forces of or below the rank of chief superintendent or police cadets appointed under section 28.

(2) A report under subsection (1) shall be submitted to—

- (a) the Secretary of State, and
- (b) the Prime Minister,

and the Secretary of State shall arrange for it to be published.

(3) The Police Remuneration Review Body shall also consider and report on any matter referred to it by the Department of Justice in Northern Ireland that relates to—

- (a) hours of duty,
- (b) leave,
- (c) pay and allowances, or
- (d) the issue, use and return of equipment,

as regards members of the Police Service of Northern Ireland of or below the rank of chief superintendent, police trainees appointed under section 39 of the Police (Northern Ireland) Act 2000 or police cadets appointed under section 42 of that Act.

(4) A report under subsection (3) shall be submitted to the Department of Justice, and that Department shall arrange for it to be published.

(5) When referring a matter to the Police Remuneration Review Body, the Secretary of State or Department of Justice may give directions to that body about—

- (a) the time within which it must report;
- (b) considerations to which it must have particular regard;
- (c) the evidence that it must obtain;
- (d) matters on which it is to make recommendations.

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(6) The Police Remuneration Review Body may include in a report under this section any recommendations it considers appropriate arising out of matters referred to it under this section (whether or not it is required to do so by a direction under subsection (5)).

(7) A reference or direction under this section may be varied or revoked.”

(2) After Schedule 4A to that Act there is inserted the Schedule set out in Schedule 7 to this Act.

(3) An order under section 185(7) may include provision requiring the first members of the Police Remuneration Review Body to be, or to include, persons of a particular description.

133 Consultation about regulations: England and Wales

(1) After section 52 of the Police Act 1996 there is inserted—

“52A Regulations about hours, leave or pay: consultation etc

(1) This section applies where the Secretary of State is proposing to make regulations under section 50 or 52 on a matter that relates to—

- (a) hours of duty,
- (b) leave,
- (c) pay and allowances, or
- (d) the issue, use and return of police clothing, personal equipment and accoutrements.

(2) In the case of regulations under section 50 concerning members of police forces of or below the rank of chief superintendent, or regulations under section 52, before making the regulations the Secretary of State shall (subject to subsection (5))—

- (a) refer the matter to the Police Remuneration Review Body under section 64B(1), and
- (b) consider that body's report on the matter.

(3) In the case of regulations under section 50 concerning members of police forces above the rank of chief superintendent, before making the regulations the Secretary of State shall (subject to subsection (5))—

- (a) consider advice on the matter from the Senior Salaries Review Body, or
- (b) where subsection (4) applies, refer the matter to the Police Remuneration Review Body under section 64B(1) and consider that body's report on the matter.

(4) This subsection applies where—

- (a) the regulations would affect members of police forces who are not above the rank of chief superintendent as well as those who are, and
- (b) the Secretary of State thinks that it would be preferable for the matter to be considered by the same body.

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- (5) The duty to consider advice from the Senior Salaries Review Body or to refer the matter to the Police Remuneration Review Body does not apply if the Secretary of State considers that—
- (a) there is not enough time to do so because the need to make the regulations is so urgent, or
 - (b) it is unnecessary to do so by reason of the nature of the proposed regulations.
- (6) In all cases, before making the regulations the Secretary of State shall supply a draft of them to, and consider any representations made by, persons whom the Secretary of State considers to represent the interests of—
- (a) the persons and bodies who between them maintain police forces;
 - (b) chief officers of police;
 - (c) members of police forces;
 - (d) police cadets appointed under section 28.
- (7) The Secretary of State may by order amend this section in consequence of a change in the name or functions of the body for the time being specified in subsection (3)(a).
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 63 of that Act (Police Advisory Board for England and Wales, etc), in subsection (3)(a), for “regulations with respect to any of the matters mentioned in section 61(1)” there is substituted “ regulations of a kind referred to in section 52A(1) ”.
- (3) In section 1 of the Police Pensions Act 1976 (police pensions regulations)—
- (a) in subsection (1), for “the Police Negotiating Board for the United Kingdom” there is substituted “ the appropriate advisory or negotiating body ”;
 - (b) after that subsection there is inserted—
- “(1ZA) In subsection (1) above, “the appropriate advisory or negotiating body” means—
- (a) as regards England and Wales, the Police Advisory Board for England and Wales;
 - (b) as regards Scotland, the Police Negotiating Board for Scotland.
- (1ZB) When carrying out consultation under subsection (1) above as regards England and Wales, the Secretary of State shall also invite the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland.”
- (4) In section 52 of the Police Act 1996 (regulations for police cadets), at the end there is inserted—
- “(3) Before making regulations under this section relating to pensions the Secretary of State shall consult with the Police Advisory Board for England and Wales and shall also invite the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland.”

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(5) In Schedule 3 to the Police and Justice Act 2006 (power to merge police pension schemes), in paragraph 3, for sub-paragraph (3) there is substituted—

“(3) The Secretary of State shall—

- (a) consult with the Police Advisory Board for England and Wales before exercising the power as regards England and Wales;
- (b) consult with the Police Negotiating Board for Scotland before exercising the power as regards Scotland;
- (c) consult with the Northern Ireland Policing Board and the Police Association for Northern Ireland before exercising the power as regards Northern Ireland.”

Commencement Information

- I1** S. 133(1)(2)(4) in force at 1.9.2014 by [S.I. 2014/2125, art. 2\(c\)](#)
- I2** S. 133(3) in force at 1.9.2014 for E.W. by [S.I. 2014/2125, art. 3\(a\)](#)
- I3** S. 133(5) in force at 1.9.2014 for E.W.N.I. by [S.I. 2014/2125, art. 4\(b\)](#)

134 Consultation about regulations: Northern Ireland

(1) In section 25 of the Police (Northern Ireland) Act 1998 (regulations for the Police Service of Northern Ireland)—

- (a) in subsection (8), the words “, other than regulations made by virtue of subsection (2)(j), (k) or (l)” are omitted;
- (b) after that subsection there is inserted—

“(9) Subsection (8) does not apply to—

- (a) regulations made by virtue of subsection (2)(k), as to which the Department of Justice shall invite the views of the Police Advisory Board for England and Wales, or
- (b) regulations made by virtue of subsection (2)(j) or (l), as to which section 25A applies.”

(2) After that section there is inserted—

“25A Regulations about hours, leave, pay or equipment: consultation etc

- (1) This section applies where the Department of Justice is proposing to make regulations under section 25 by virtue of subsection (2)(j) or (l) of that section.
- (2) In the case of regulations concerning officers of or below the rank of chief superintendent, before making the regulations the Department of Justice shall (subject to subsection (5))—
 - (a) refer the matter to the Police Remuneration Review Body under section 64B(3) of the Police Act 1996, and
 - (b) consider that body's report on the matter.

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- (3) In the case of regulations concerning officers above the rank of chief superintendent, before making the regulations the Department of Justice shall (subject to subsection (5))—
- (a) consider advice on the matter from the Senior Salaries Review Body, or
 - (b) where subsection (4) applies, refer the matter to the Police Remuneration Review Body under section 64B(3) of the Police Act 1996 and consider that body's report on the matter.
- (4) This subsection applies where—
- (a) the regulations would affect officers who are not above the rank of chief superintendent as well as those who are, and
 - (b) the Department of Justice thinks that it would be preferable for the matter to be considered by the same body.
- (5) The duty to consider advice from the Senior Salaries Review Body or to refer the matter to the Police Remuneration Review Body does not apply if Department of Justice considers that—
- (a) there is not enough time to do so because the need to make the regulations is so urgent, or
 - (b) it is unnecessary to do so by reason of the nature of the proposed regulations.
- (6) In all cases, before making the regulations the Department of Justice shall supply a draft of them to, and consider any representations made by—
- (a) the Board,
 - (b) the Police Association, and
 - (c) the Chief Constable of the Police Service of Northern Ireland.
- (7) The Department of Justice may by order amend this section in consequence of a change in the name or functions of the body for the time being specified in subsection (3)(a).”
- (3) In section 41 of the Police (Northern Ireland) Act 2000 (police trainees and police reserve trainees)—
- (a) at the end of subsection (6) there is inserted “, other than regulations to which subsection (8) applies”;
 - (b) after that subsection there is inserted—
 - “(7) Subsection (8) applies to regulations under subsection (3), concerning police trainees, on a matter that relates to—
 - (a) hours of duty,
 - (b) leave,
 - (c) pay and allowances, or
 - (d) the issue, use and return of equipment.
 - (8) Before making any such regulations the Department of Justice shall—
 - (a) (subject to subsection (9)) refer the matter to the Police Remuneration Review Body under section 64B(3) of the Police Act 1996 and consider that body's report on the matter, and

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- (b) supply a draft of the regulations to, and consider any representations made by—
 - (i) the Board,
 - (ii) the Police Association, and
 - (iii) the Chief Constable of the Police Service of Northern Ireland.

(9) The duty in subsection (8)(a) does not apply if the Department of Justice considers that—

- (a) there is not enough time to refer to the matter to the Police Remuneration Review Body because the need to make the regulations is so urgent, or
- (b) it is unnecessary to do so by reason of the nature of the proposed regulations.”

VALID FROM 01/10/2014

Independent Police Complaints Commission

VALID FROM 08/04/2015

135 Application of IPCC provisions to contractors

In section 12 of the Police Reform Act 2002 (complaints, matters and persons to which Part 2 applies), at the end there is inserted—

“(8) The Secretary of State may make regulations providing that, for the purposes of this Part and of any regulations made under this Part—

- (a) a contractor,
- (b) a sub-contractor of a contractor, or
- (c) an employee of a contractor or a sub-contractor,

is to be treated as a person serving with the police.

(9) Regulations under subsection (8) may make modifications to this Part, and to any regulations made under this Part, in its application to those persons.

(10) In subsection (8) “contractor” means a person who has entered into a contract with a local policing body or a chief officer to provide services to a chief officer.”

136 Application to IPCC of provisions about investigation of offences

(1) In Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc), paragraph 19 (investigations by the Independent Police Complaints Commission itself) is amended as follows.

(2) In sub-paragraph (6), for the words from “provide that such provisions” to “shall apply” there is substituted “provide that—

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- (a) such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order, and
- (b) such provisions of a code of practice under section 60, 60A or 66 of that Act as may be so specified,

shall apply”.

(3) After sub-paragraph (6) there is inserted—

“(6A) An order under sub-paragraph (6) may, in particular, provide that where a provision applied by the order allows a power to be exercised only if an authorisation is given by a police officer of or above a particular rank, the authorisation may be given by a member of the Commission's staff of or above a specified grade.”

VALID FROM 08/04/2015

137 Provision of information to IPCC

After paragraph 19 of Schedule 3 to the Police Reform Act 2002 there is inserted—

“Investigations by the Commission: power to serve information notice

- 19ZA (1) The Commission may serve upon any person an information notice requiring the person to provide it with information that it reasonably requires for the purposes of an investigation in accordance with paragraph 19.
- (2) But an information notice must not require a person—
- (a) to provide information that might incriminate the person;
 - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
 - (c) to make a disclosure that would be prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000;
 - (d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.
- (3) Neither must an information notice require a postal or telecommunications operator (within the meaning of Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000) to provide communications data (within the meaning of that Chapter).
- (4) An information notice must—
- (a) specify or describe the information that is required by the Commission and the form in which it must be provided;
 - (b) specify the period within which the information must be provided;

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(c) give details of the right of appeal against the information notice under paragraph 19ZC.

(5) The period specified under sub-paragraph (4)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.

(6) The Commission may cancel an information notice by written notice to the person on whom it was served.

Failure to comply with information notice

19ZB (1) If a person who has received an information notice—

(a) fails or refuses to provide the information required by the notice, or

(b) knowingly or recklessly provides information in response to the notice that is false in a material respect,

the Commission may certify in writing to the High Court that the person has failed to comply with the information notice.

(2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Appeals against information notices

19ZC (1) A person on whom an information notice is served may appeal against the notice to the First-tier Tribunal on the ground that the notice is not in accordance with the law.

(2) If the Tribunal considers that the notice is not in accordance with the law—

(a) it must quash the notice, and

(b) it may give directions to the Commission in relation to the service of a further information notice.

Sensitive information: restriction on further disclosure

19ZD (1) Where the Commission receives information within sub-paragraph (2) under an information notice, it must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has received it, unless the relevant authority consents to the disclosure.

(2) The information is—

(a) intelligence service information,

(b) intercept information, or

(c) information obtained (directly or indirectly) from a government department which, at the time it is provided to the Commission, is identified by the department as

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information the disclosure of which may, in the opinion of the relevant authority, cause damage to—

- (i) national security or international relations, or
- (ii) the economic interests of the United Kingdom or any part of the United Kingdom.

(3) Where the Commission discloses to another person information within sub-paragraph (2), or the fact that it has received it, that person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(4) In this paragraph—

“government department” means a department of Her Majesty's Government but does not include—

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information which was obtained (directly or indirectly) from an intelligence service or which relates to an intelligence service;

“intelligence service” means—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty's forces (within the meaning of the Armed Forces Act 2006), or of the Ministry of Defence, which engages in intelligence activities;

“intercept information” means information relating to any of the matters mentioned in section 19(3) of the Regulation of Investigatory Powers Act 2000;

“Minister of the Crown” includes the Treasury;

“relevant authority” means—

- (a) in the case of intelligence service information obtained from the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained from the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained from GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained from Her Majesty's forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of intercept information, the person to whom the relevant interception warrant is or was addressed;
- (f) in the case of information within sub-paragraph (2)(c) —

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- (i) the Secretary of State, or
- (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant interception warrant” means the interception warrant issued under section 5 of the Regulation of Investigatory Powers Act 2000 that relates to the intercept information.”

138 Unsatisfactory performance procedures following investigation of death or serious injury matter

(1) In paragraph 24C of Schedule 3 to the Police Reform Act 2002 (cases of death or serious injury where Independent Police Complaints Commission determines that disciplinary proceedings not justified), at the end there is inserted—

“(3) The Commission may notify the appropriate authority that it must, in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

- (a) whether or not the performance of a person serving with the police is unsatisfactory, and
- (b) what action (if any) the authority will take in respect of any such person's performance.

(4) On receipt of a notification under sub-paragraph (3) the appropriate authority shall make those determinations and submit a memorandum to the Commission setting out the determinations the authority has made.

(5) On receipt of a memorandum under sub-paragraph (4), the Commission shall—

- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the Commission considers appropriate;
- (b) determine whether or not to make recommendations under paragraph 27;
- (c) make such recommendations (if any) under that paragraph as it thinks fit.”

(2) Paragraph 27 of that Schedule (duties with respect to disciplinary proceedings) is amended as follows.

(3) In sub-paragraph (1), at the end there is inserted “; or

- (c) has submitted, or is required to submit, a memorandum to the Commission under paragraph 24C(4).”

(4) After sub-paragraph (3) there is inserted—

“(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the Commission may make a recommendation to the appropriate authority—

- (a) that the performance of a person serving with the police is, or is not, satisfactory;

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- (b) that action of the form specified in the recommendation is taken in respect of the person's performance;

and it shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to set out in the notification the steps that it is proposing to take to give effect to it.”

139 Recommendations by IPCC and requirement to respond

After paragraph 28 of Schedule 3 to the Police Reform Act 2002 there is inserted—

“Recommendations by the Commission

28A (1) This paragraph applies where the Commission has received a report under—

- (a) paragraph 22(3) (report on completion of investigation of complaint or conduct matter supervised or managed by Commission),
- (b) paragraph 22(5) (report on completion of investigation of complaint or conduct matter by Commission itself), or
- (c) paragraph 24A(2) (report on completion of investigation of DSI matter that is not also conduct matter).

(2) This paragraph also applies where the Commission has made a determination on an appeal under—

- (a) paragraph 8A (appeal relating to complaint dealt with other than by investigation), or
- (b) paragraph 25 (appeal with respect to an investigation).

(3) The Commission may make a recommendation in relation to a matter dealt with in the report or appeal.

(4) A recommendation under this paragraph may be made to any person if it is made—

- (a) following the receipt of a report relating to—
 - (i) a DSI matter,
 - (ii) a conduct matter of a type specified in regulations, or
 - (iii) a complaint of a type specified in regulations; or
- (b) following a determination on an appeal relating to a complaint of a type specified in regulations.

(5) In any other case, a recommendation under this paragraph may be made only to—

- (a) a person serving with the police, or
- (b) a local policing body.

(6) Where the Commission makes a recommendation under this paragraph, it must also—

- (a) publish the recommendation, and
- (b) send a copy of it—

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- (i) in a case where the recommendation is made to a local policing body, to the chief officer of the police force maintained by that body;
 - (ii) in a case where the recommendation is made to a chief officer of a police force, to the local policing body that maintains the police force;
 - (iii) in a case where the recommendation is made to a contractor (within the meaning of section 12(10)), to the chief officer of a police force to whom the contractor is providing services, and the local policing body that maintains the police force;
 - (iv) in a case where the recommendation is made to a sub-contractor or an employee of a contractor, to the contractor and the persons to whom a copy must be sent under paragraph (iii);
 - (v) in a case where the recommendation is made to an employee of a sub-contractor, to the sub-contractor, the contractor and the persons to whom a copy must be sent under sub-paragraph (iii);
 - (vi) in any other case, to any person to whom the Commission thinks a copy should be sent.
- (7) Nothing in this paragraph affects the power of the Commission to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise).

Response to recommendation

- 28B (1) A person to whom a recommendation under paragraph 28A is made must provide to the Commission a response in writing stating—
- (a) what action the person has taken or proposes to take in response to the recommendation, or
 - (b) why the person has not taken, or does not propose to take, any action in response.
- (2) The person must provide the response to the Commission before the end of the period of 56 days beginning with the day on which the recommendation was made, unless sub-paragraph (3) applies.
- (3) The Commission may extend the period of 56 days following an application received before the end of the period; and if the Commission grants an extension, the person must provide the response before the end of the extended period.
- (4) But if proceedings for judicial review of the Commission's decision to make a recommendation are started during the period allowed by sub-paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.
- (5) On receiving a response, the Commission must, within the period of 21 days beginning with the day on which the Commission received it—
- (a) publish the response, and

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- (b) send a copy of it to any person who was sent a copy of the recommendation under paragraph 28A(6)(b),
unless the person giving the response has made representations under sub-paragraph (6).
- (6) The person giving the response may, at the time of providing it to the Commission, make representations to the Commission asserting that the requirements of publication and disclosure under sub-paragraph (5) should not apply to the response, or to particular parts of it.
- (7) On receiving such representations, the Commission may decide—
 - (a) that the response should not be published, or that only parts of it should be published;
 - (b) that the response should not be disclosed, or that only parts of the response should be disclosed.
- (8) Where, following a decision on representations, the Commission decides to publish or disclose a response (in whole or in part), it must do so only after the person giving the response has been informed of the Commission's decision, and—
 - (a) in a case where the Commission has decided to accept all of the representations, it must do so within the period of 21 days beginning with the day on which it received the response;
 - (b) in a case where the Commission has decided to reject any of the representations, it must do so—
 - (i) within the period of 21 days beginning with the day on which the person was informed of the Commission's decision on the representations, but
 - (ii) not before the end of the period of 7 days beginning with that day.
- (9) But if proceedings for judicial review of the Commission's decision to reject a representation are started during the period of 7 days referred to in sub-paragraph (8)(b)(ii)—
 - (a) the Commission must not publish or disclose the response while the proceedings are in progress;
 - (b) if the court upholds the Commission's decision to reject a representation, the Commission must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.
- (10) Where a local policing body or a chief officer makes a response under this paragraph, the body or officer must, at the time the Commission publishes the response, also publish the response (to the same extent as published by the Commission) and the recommendation under paragraph 28A.
- (11) For the purposes of this paragraph—
 - (a) “disclosing” a response means sending a copy of it as mentioned in sub-paragraph (5)(b);

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- (b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.”

VALID FROM 20/03/2014

Chief officers of police and local policing bodies

VALID FROM 21/07/2014

140 Appointment of chief officers of police

- (1) Paragraph 2 of Schedule 8 to the Police Reform and Social Responsibility Act 2011 (appointment of chief constables) is amended as follows.
- (2) In sub-paragraph (1)(a), for “is, or has been, a constable in any part of the United Kingdom” there is substituted “ is eligible for appointment ”.
- (3) After sub-paragraph (1) there is inserted—
 - “(1A) A person is eligible for appointment if the person is or has been—
 - (a) a constable in any part of the United Kingdom, or
 - (b) a police officer in an approved overseas police force, of at least the approved rank.
 - (1B) An “approved overseas police force” is a police force which—
 - (a) is in a country or territory outside the United Kingdom designated by regulations made by the Secretary of State, and
 - (b) is designated in relation to that country or territory by the regulations.
 - (1C) The “approved rank” for an approved overseas police force is the rank which is designated as the approved rank for that police force by the regulations.
 - (1D) The College of Policing must recommend to the Secretary of State matters to be designated under this paragraph.
 - (1E) The Secretary of State may make regulations under this paragraph only if they give effect to a recommendation under sub-paragraph (1D).”
- (4) Section 42 of that Act (appointment of Commissioner of Police of the Metropolis) is amended as follows.
- (5) In subsection (3), for “is, or has been, a constable in any part of the United Kingdom” there is substituted “ is eligible for appointment ”.
- (6) After subsection (3) there is inserted—
 - “(3A) A person is eligible for appointment if the person is or has been—
 - (a) a constable in any part of the United Kingdom, or

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(b) a police officer in an approved overseas police force, of at least the approved rank.

(3B) An “approved overseas police force” is a police force which—

(a) is in a country or territory outside the United Kingdom designated by regulations made by the Secretary of State, and

(b) is designated in relation to that country or territory by the regulations.

(3C) The “approved rank” for an approved overseas police force is the rank which is designated as the approved rank for that police force by the regulations.

(3D) The College of Policing must recommend to the Secretary of State matters to be designated under this section.

(3E) The Secretary of State may make regulations under this section only if they give effect to a recommendation under subsection (3D).”

VALID FROM 13/05/2014

141 Financial arrangements etc for chief officers of police

(1) In Schedule 2 to the Police Reform and Social Responsibility Act 2011 (chief constables), after paragraph 7 there is inserted—

“Financial arrangements etc

7A (1) A chief constable may, by way of temporary loan or overdraft from a bank or otherwise, borrow sums temporarily required by the chief constable, but only—

(a) for the purpose of meeting expenses pending the receipt of revenues receivable by the chief constable in respect of the period of account in which the expenses are chargeable,

(b) in sterling, and

(c) with the consent of the relevant police and crime commissioner.

(2) A chief constable—

(a) may not borrow money except as permitted by subparagraph (1);

(b) may not enter into a credit arrangement.

(3) A chief constable may invest—

(a) for any purpose relevant to the chief constable's functions under any enactment, or

(b) for the purpose of the prudent management of the chief constable's financial affairs,

but only with the consent of the relevant police and crime commissioner.

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- (4) The following provisions of Part 1 of the Local Government Act 2003 (capital finance etc and accounts) apply in relation to a chief constable as they apply in relation to a local authority—
- (a) section 6 (protection of lenders);
 - (b) section 7 (meaning of “credit arrangements”);
 - (c) sections 9 to 11 (capital receipts), except for section 11(2)(b) and (3) to (6);
 - (d) section 13 (security for money borrowed etc);
 - (e) section 14 (information);
 - (f) section 15 (guidance);
 - (g) section 16 (meaning of “capital expenditure”);
 - (h) section 17 (external funds);
 - (i) section 18 (companies etc), ignoring any reference to a Passenger Transport Executive;
 - (j) section 20 (directions);
 - (k) sections 21 and 22 (accounts);
 - (l) section 24(1) and (2)(b) (application to Wales).
- (5) Regulations made by the Secretary of State under any of the provisions listed in sub-paragraph (4) apply in relation to the chief constable of a police force in England as they apply in relation to a local authority in England.
- (6) Regulations made by the Welsh Ministers under any of those provisions apply in relation to the chief constable of a police force in Wales as they apply in relation to a local authority in Wales.
- (7) Any of those provisions, or regulations made under them, that apply for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 apply also (so far as relevant) for the purposes of sub-paragraphs (1) to (3).
- (8) An order under section 217 or 218 of the Local Government and Public Involvement in Health Act 2007, as it has effect for the purposes of section 18(2)(b) of the Local Government Act 2003 as applied by sub-paragraph (4)(i), applies—
- (a) with the substitution of a reference to a chief constable for a reference to a local authority, and
 - (b) with any other necessary modifications.”
- (2) In Schedule 4 to that Act (Commissioner of Police of the Metropolis), after paragraph 4 there is inserted—

“Financial arrangements etc

- 4A (1) The Commissioner of Police of the Metropolis may, by way of temporary loan or overdraft from a bank or otherwise, borrow sums temporarily required by the Commissioner, but only—
- (a) for the purpose of meeting expenses pending the receipt of revenues receivable by the Commissioner in respect of the period of account in which the expenses are chargeable,

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- (b) in sterling, and
 - (c) with the consent of the Mayor's Office for Policing and Crime.
- (2) The Commissioner of Police of the Metropolis—
- (a) may not borrow money except as permitted by sub-paragraph (1);
 - (b) may not enter into a credit arrangement.
- (3) The Commissioner of Police of the Metropolis may invest—
- (a) for any purpose relevant to the Commissioner's functions under any enactment, or
 - (b) for the purpose of the prudent management of the Commissioner's financial affairs,
- but only with the consent of the Mayor's Office for Policing and Crime.
- (4) The following provisions of Part 1 of the Local Government Act 2003 (capital finance etc and accounts), and any regulations made under them by the Secretary of State, apply in relation to the Commissioner of Police of the Metropolis as they apply in relation to a local authority in England—
- (a) section 6 (protection of lenders);
 - (b) section 7 (meaning of “credit arrangements”);
 - (c) sections 9 to 11 (capital receipts), except for section 11(2)(b) and (3) to (6);
 - (d) section 13 (security for money borrowed etc);
 - (e) section 14 (information);
 - (f) section 15 (guidance);
 - (g) section 16 (meaning of “capital expenditure”);
 - (h) section 17 (external funds);
 - (i) section 18 (companies etc), ignoring any reference to a Passenger Transport Executive;
 - (j) section 20 (directions);
 - (k) sections 21 and 22 (accounts).
- (5) Any of those provisions, or regulations made under them by the Secretary of State, that apply for the purposes of Chapter 1 of Part 1 of the Local Government Act 2003 apply also (so far as relevant) for the purposes of sub-paragraphs (1) to (3).
- (6) An order under section 217 of the Local Government and Public Involvement in Health Act 2007, as it has effect for the purposes of section 18(2)(b) of the Local Government Act 2003 as applied by sub-paragraph (4)(i), applies—
- (a) with the substitution of a reference to the Commissioner of Police of the Metropolis for a reference to a local authority, and
 - (b) with any other necessary modifications.”

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VALID FROM 13/05/2014

142 Grants to local policing bodies

- (1) In section 46 of the Police Act 1996 (police grant), in subsection (1), for the words from “for each financial year” to the end of paragraph (b) there is substituted “for each financial year—
 - (a) make grants to police and crime commissioners for the purposes of their functions,
 - (b) make grants to the Common Council for the purposes of its functions as police authority, and
 - (c) make grants to the Greater London Authority for the purposes of the functions of the Mayor’s Office for Policing and Crime;”.
- (2) The words “for police purposes” are omitted—
 - (a) in subsection (1) of section 47 of the Police Act 1996 (grants for capital expenditure);
 - (b) in subsection (2) of section 92 of that Act (grants by local authorities).

143 Powers of local policing bodies to provide or commission services

- (1) A local policing body may provide or arrange for the provision of—
 - (a) services that in the opinion of the local policing body will secure, or contribute to securing, crime and disorder reduction in the body’s area;
 - (b) services that are intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour;
 - (c) services of a description specified in an order made by the Secretary of State.
- (2) An order under subsection (1)(c) may make different provision for different areas.
- (3) A local policing body arranging for the provision of services under this section may make grants in connection with the arrangements.

A grant may be subject to any conditions (including conditions as to repayment) that the local policing body thinks appropriate.

- (4) In this section—

“anti-social behaviour” means behaviour by a person that causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as that person;

“crime and disorder reduction” means reduction in levels of—

 - (a) crime and disorder (including anti-social behaviour and other behaviour adversely affecting the local environment),
 - (b) the misuse of drugs, alcohol and other substances, and
 - (c) re-offending.

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VALID FROM 13/05/2014

Personal samples and DNA profiles

144 Power to take further fingerprints or non-intimate samples

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (fingerprinting)—
- (a) in subsections (5A) and (5B), for the words after “investigation” in paragraph (b) there is substituted “but
 - (i) subsection (3A)(a) or (b) above applies, or
 - (ii) subsection (5C) below applies.”;
 - (b) after subsection (5B) there is inserted—

“(5C) This subsection applies where—

 - (a) the investigation was discontinued but subsequently resumed, and
 - (b) before the resumption of the investigation the fingerprints were destroyed pursuant to section 63D(3) below.”
- (2) In section 63 of that Act (non-intimate samples)—
- (a) at the end of subsection (3ZA)(b) there is inserted “, or
 - “(iii) subsection (3AA) below applies.”;
 - (b) in subsection (3A)(b), for “insufficient; or” there is substituted “insufficient, or
 - (iii) subsection (3AA) below applies; or”;
 - (c) after subsection (3A) there is inserted—

“(3AA) This subsection applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

 - (a) any DNA profile derived from the sample was destroyed pursuant to section 63D(3) below, and
 - (b) the sample itself was destroyed pursuant to section 63R(4), (5) or (12) below.”

145 Power to retain fingerprints or DNA profile in connection with different offence

- (1) For section 63P of the Police and Criminal Evidence Act 1984 (section 63D material obtained for one purpose and used for another) there is substituted—

“63P Retention of 63D material in connection with different offence

- (1) Subsection (2) applies if—
- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and

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(b) the person is subsequently arrested for or charged with a different offence, or convicted of or given a penalty notice for a different offence.

(2) Sections 63E to 63O and sections 63Q and 63T have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—

(a) in connection with the investigation of the offence mentioned in subsection (1)(b),

(b) on the date on which the person was arrested for that offence (or charged with it or given a penalty notice for it, if the person was not arrested).”

(2) The amendment made by subsection (1) applies even where the event referred to in subsection (1)(b) of the substituted section 63P occurs before the day on which this section comes into force.

146 Retention of personal samples that are or may be disclosable

(1) In section 63U of the Police and Criminal Evidence Act 1984 (fingerprints and samples etc: exclusions from destruction rules)—

(a) in subsection (5) (material that is or may become disclosable to the defence), for “Sections 63D to 63Q, 63S and 63T” there is substituted “ Sections 63D to 63T ”;

(b) after that subsection there is inserted—

“(5A) A sample that—

(a) falls within subsection (5), and

(b) but for that subsection would be required to be destroyed under section 63R,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(5B) A sample that once fell within subsection (5) but no longer does, and so becomes a sample to which section 63R applies, must be destroyed immediately if the time specified for its destruction under that section has already passed.”

(2) In Schedule 8 to the Terrorism Act 2000 (detention of terrorist suspects etc), in paragraph 20I (substituted by paragraph 1 of Schedule 1 to the Protection of Freedoms Act 2012) (fingerprints and samples etc: exclusion from destruction rules of material that is or may become disclosable to the defence)—

(a) for “Paragraphs 20A to 20F and 20H do not apply to paragraph 20A material” there is substituted “ Paragraphs 20A to 20H do not apply to material ”;

(b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—

“(2) A sample that—

(a) falls within sub-paragraph (1), and

(b) but for that sub-paragraph would be required to be destroyed under paragraph 20G,

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must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

- (3) A sample that once fell within sub-paragraph (1) but no longer does, and so becomes a sample to which paragraph 20G applies, must be destroyed immediately if the time specified for its destruction under that paragraph has already passed.”

Miscellaneous

147 Powers to seize invalid passports etc

Schedule 8 (powers to seize invalid passports etc) has effect.

Commencement Information

I4 S. 147 in force at 14.3.2014 by S.I. 2014/630, art. 2

VALID FROM 13/05/2014

148 Port and border controls

Schedule 9 (amendments of or relating to Schedules 7 and 8 to the Terrorism Act 2000) has effect.

VALID FROM 02/06/2014

149 Inspection of Serious Fraud Office

- (1) In section 2 of the Crown Prosecution Service Inspectorate Act 2000 (functions of the Chief Inspector of the Crown Prosecution Service), after subsection (3) there is inserted—

“(3A) This section applies to the Serious Fraud Office as it applies to the Crown Prosecution Service.”

- (2) In section 3 of the Criminal Justice Act 1987 (disclosure of information by Serious Fraud Office)—

- (a) the word “and” before paragraph (c) of subsection (1) is omitted;
- (b) after that paragraph there is inserted “; and
 - (d) in order to comply with a requirement imposed under paragraph 7 of the Schedule to the Crown Prosecution Service Inspectorate Act 2000.”;
- (c) in subsection (3), for the words from “by a member of the Serious Fraud Office” to “or elsewhere and” there is substituted “by a member of the Serious Fraud Office—
 - (a) for the purposes of any prosecution in England and Wales, Northern Ireland or elsewhere, or

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(b) in order to comply with a requirement imposed under paragraph 7 of the Schedule to the Crown Prosecution Service Inspectorate Act 2000,

and ”.

150 Jurisdiction of Investigatory Powers Tribunal over Surveillance Commissioners

(1) Section 91 of the Police Act 1997 (Surveillance Commissioners) is amended as follows.

(2) In subsection (10), for “sections 104 and 106” there is substituted “ section 104 ”.

(3) After subsection (10) there is inserted—

“(11) Subsection (10) is not to be read as affecting the jurisdiction of the Tribunal conferred by section 65 of the Regulation of Investigatory Powers Act 2000 or section 23 of the Regulation of Investigatory Powers (Scotland) Act 2000.”

VALID FROM 13/05/2014

151 Fees for criminal record certificates etc

In Part 5 of the Police Act 1997 (criminal record certificates etc), in section 125 (regulations), after subsection (1) there is inserted—

“(1A) In prescribing the amount of a fee that—

(a) is payable in relation to applications under a particular provision of this Part, but

(b) is not payable in relation to applications made by volunteers, the Secretary of State may take into account not only the costs associated with applications in relation to which the fee is payable but also the costs associated with applications under that provision made by volunteers.”

VALID FROM 13/05/2014

152 Powers of community support officers

Schedule 10 (which amends Part 1 of Schedule 4 to the Police Reform Act 2002) has effect.

VALID FROM 13/05/2014

153 Use of amplified noise equipment in vicinity of the Palace of Westminster

(1) The Police Reform and Social Responsibility Act 2011 is amended as follows.

(2) After section 142 there is inserted—

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“142A Other controlled areas in vicinity of the Palace of Westminster

(1) For the purposes of this Part, the “Palace of Westminster controlled area” means the area of land in the City of Westminster that is comprised in—

- (a) the highways in the postal district SW1 known as—
 - (i) Bridge Street,
 - (ii) St Margaret's Street, and
 - (iii) Abingdon Street,
- (b) so much of the highway in the postal district SW1 known as Great College Street as immediately adjoins Abingdon Street Garden,
- (c) Old Palace Yard,
- (d) Abingdon Street Garden (and its pathways), and
- (e) Victoria Tower Gardens.

(2) In subsection (1)—

“Abingdon Street Garden” means the garden constructed on the sites of properties formerly known as 18 to 28 (both inclusive) Abingdon Street, London, SW1, together with the garden surrounding the adjoining Jewel Tower and the lawn surrounding the King George V Memorial;

“highway” has the same meaning as in the Highways Act 1980 (see section 328 of that Act);

“Old Palace Yard” includes the King George V Memorial.”

(3) In section 143 (prohibited activities in controlled area of Parliament Square)—

- (a) in the heading, at the end there is inserted “**or in Palace of Westminster controlled area**”;
- (b) in subsection (2)(a), after “Parliament Square” there is inserted “ or in the Palace of Westminster controlled area ”.

(4) In section 144 (directions under section 143: further provision), in subsection (5), after “Parliament Square” there is inserted “, or the Palace of Westminster controlled area, ”.

(5) In section 145 (power to seize property)—

- (a) in subsection (1), at the end there is inserted “in that area”;
- (b) after that subsection there is inserted—

“(1A) A constable or authorised officer may seize and retain a prohibited item that is on any land in the Palace of Westminster controlled area if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under section 143 in that area.”;

- (c) in subsection (2), at the end there is inserted “in that area”;
- (d) after that subsection there is inserted—

“(2A) A constable may seize and retain a prohibited item that is on any land outside of the Palace of Westminster controlled area if it appears to the constable that the item has been used in connection with the commission of an offence under section 143 in that area.”;

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- (e) in subsection (8), for “subsections (1) and (2)” there is substituted “ this section ”.
- (6) In section 146 (power of court on conviction)—
- (a) in subsection (1)(b), for “the controlled area of Parliament Square” there is substituted “ a relevant area ”;
- (b) in subsection (2), for “the controlled area of Parliament Square” there is substituted “ a relevant area ”;
- (c) after that subsection there is inserted—
- “(2A) In this section “relevant area” means an area consisting of either or both of the following areas—
- (a) the controlled area of Parliament Square, and
- (b) the Palace of Westminster controlled area.”
- (7) In section 147 (authorisation for operation of amplified noise equipment), in subsection (1)—
- (a) after “Parliament Square” there is inserted “ or the Palace of Westminster controlled area ”;
- (b) after “that land” there is inserted “ (or any part of it) ”.
- (8) In section 148 (meaning of “authorised officer” and “responsible authority”)—
- (a) in subsection (2), after “Parliament Square” there is inserted “ , or in relation to any land in the Palace of Westminster controlled area other than Royal Park land, ”;
- (b) after subsection (3) there is inserted—
- “(4) Responsible authority”, in relation to any land in the Palace of Westminster controlled area, means—
- (a) the Secretary of State, for any land comprised in Royal Park land;
- (b) Westminster City Council, for any other land.
- (5) In this section “Royal Park land” means any land of a description specified in Schedule 1 to the Royal Parks and Other Open Spaces Regulations 1997 (S.I. 1997/1639), as that Schedule has effect on the day on which the Anti-social Behaviour, Crime and Policing Act 2014 is passed.”
- (9) In section 149 (effect of Part on byelaws), in subsection (3), after “Parliament Square” there is inserted “ or the Palace of Westminster controlled area ”.
- (10) In the italic cross-heading before section 142, for “*Garden and adjoining pavements*” there is substituted “ *etc* ”.
- (11) In the heading of Part 3, for “GARDEN AND SURROUNDING AREA” there is substituted “ ETC ”.

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VALID FROM 25/10/2017

154 Littering from vehicles

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) After section 88 (fixed penalty notices for leaving litter) there is inserted—

“88A Littering from vehicles: civil penalty regime

- (1) The Secretary of State may make regulations under which the keeper of a vehicle may be required to pay a fixed penalty to a litter authority where there is reason to believe that a littering offence in England has been committed in respect of the vehicle.
- (2) A littering offence is committed in respect of a vehicle if an offence under section 87(1) occurs as a result of litter being thrown, dropped or otherwise deposited from the vehicle (whether or not by the vehicle's keeper).
- (3) Regulations under this section must make provision—
 - (a) setting the amount of fixed penalties or specifying how the amount is to be determined;
 - (b) about the period within which fixed penalties must be paid;
 - (c) for payment within that period of a fixed penalty imposed for a littering offence committed in respect of a vehicle to discharge any liability for conviction for the offence (whether on the part of the keeper or anybody else);
 - (d) for a fixed penalty to be payable by the keeper of a vehicle only if a written notice is given to the keeper (“a penalty notice”);
 - (e) about the persons authorised to give penalty notices;
 - (f) about the procedure to be followed in giving penalty notices;
 - (g) about the form and content of penalty notices;
 - (h) conferring rights to make representations about, and to bring appeals against, penalty notices.
- (4) Provision under subsection (3)(e) may authorise a person to give a penalty notice for a littering offence committed in respect of a vehicle only if—
 - (a) the person is under a duty under section 89(1) in respect of the land where the offence is committed (and that person is a “litter authority” in relation to a fixed penalty payable under the regulations), or
 - (b) the person is an authorised officer of a litter authority,and regulations under this section may include provision about the meaning of “authorised officer”.
- (5) Regulations under this section may include provision—
 - (a) for the enforcement of penalty notices (and such provision may in particular authorise an unpaid fixed penalty to be recovered summarily as a civil debt or as if payable under an order of a court if the court so orders);
 - (b) about the application of sums paid under penalty notices (and such provision may in particular authorise sums paid to a litter authority

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- to be applied for the purposes of such functions of the authority as the regulations may specify);
- (c) about the application of the regulations to keepers of vehicles in the public service of the Crown.
- (6) Regulations under this section may, in consequence of any provision contained in the regulations, amend—
- (a) this Part, or
- (b) Part 2 of the London Local Authorities Act 2007.
- (7) Regulations under this section may—
- (a) make provision corresponding or similar to any provision made by or under section 88;
- (b) make provision subject to exceptions;
- (c) include saving, transitional, transitory, supplementary or consequential provision.
- (8) Provision of the kind mentioned in subsection (7)(a) may include provision—
- (a) conferring a discretion on a litter authority, subject to such constraints or limitations as the regulations may specify (whether or not of a corresponding or similar kind to those mentioned in section 97A(2));
- (b) creating an offence of the kind mentioned in section 88(8B) and (8C),
- but may not include provision conferring power on a person to make orders or regulations.
- (9) In this section—
- “keeper”, in relation to a vehicle, means the person by whom the vehicle is kept at the time when the littering offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper;
- “litter authority” has the meaning given in subsection (4)(a);
- “registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered;
- “registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994;
- “vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.”
- (3) In section 161 (regulations, orders and directions), after subsection (2ZA) there is inserted—
- “(2ZB) Subsection (2) does not apply to a statutory instrument containing regulations under section 88A if the regulations—
- (a) are the first set of regulations to be made under that section, or
- (b) include provision falling within subsection (3)(a) or (6) of that section.

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(2ZC) A statutory instrument to which subsection (2) does not apply by virtue of subsection (2ZB) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Status:

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