

## SCHEDULES

### SCHEDULE 1

Section 11

#### REMANDS UNDER SECTIONS 9 AND 10

##### *Introductory*

- 1 (1) This Schedule applies where—
  - (a) a judge has power to remand a person under section 9(5),
  - (b) a justice of the peace is required to remand a person under section 9(6), or
  - (c) a court has power to remand a person under section 10(8).
- (2) A reference in the following paragraphs of this Schedule to a judge is to be read as including a justice of the peace.

##### *Remand in custody or on bail*

- 2 (1) The judge or the court may remand the person—
    - (a) in custody, or
    - (b) on bail.

But a person aged under 18 may not be remanded in custody unless paragraph 6 applies.
  - (2) A reference in this Schedule to remanding a person in custody is a reference to committing the person to custody to be brought before the court at the end of the period of remand or at whatever earlier time the court may require.
  - (3) The judge or the court may remand the person on bail—
    - (a) by taking from the person a recognizance, with or without sureties, conditioned as provided in paragraph 3, or
    - (b) by fixing the amount of the recognizances with a view to their being taken subsequently and, in the meantime, committing the person to custody as mentioned in sub-paragraph (2).
  - (4) Where a person is brought before the court after remand, the court may further remand the person.
- 3 (1) Where a person is remanded on bail, the judge or the court may direct that the person's recognizance be conditioned for his or her appearance—
    - (a) before the court at the end of the period of remand, or
    - (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.
  - (2) Where a recognizance is conditioned for a person's appearance as mentioned in sub-paragraph (1)(b), the fixing of a time for the person next to appear is to be treated as a remand.

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- (3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand the person afresh.
- 4 (1) The judge or the court may not remand a person for a period exceeding 8 clear days unless—
- (a) paragraph 5 or 6 applies, or
  - (b) the person is remanded on bail and both that person and the person who applied for the injunction consent to a longer period.
- (2) Where the judge or the court has power to remand a person in custody, the person may be committed to the custody of a constable if the remand is for a period not exceeding 3 clear days.

*Remand for medical examination and report*

- 5 (1) This paragraph applies where—
- (a) the judge or the court has reason to think that a medical report will be needed, and
  - (b) the judge or the court remands the person in order to enable a medical examination to take place and a report to be made.
- (2) If (in the case of a person aged 18 or over) the person is remanded in custody, the adjournment may not be for more than 3 weeks at a time.
- (3) If the person is remanded on bail, the adjournment may not be for more than 4 weeks at a time.
- 6 (1) If the judge or the court—
- (a) is satisfied, on the written or oral evidence of a registered medical practitioner, that there is reason to suspect that the person is suffering from mental disorder, and
  - (b) is of the opinion that it would be impracticable for a report on the person’s mental condition to be made if he or she were remanded on bail,
- the judge or the court may remand the person to a hospital or registered establishment specified by the judge or the court for such a report to be made.
- (2) In sub-paragraph (1)—
- “hospital” has the meaning given by section 145(1) of the Mental Health Act 1983;
- “mental disorder” has the meaning given by section 1 of that Act (reading subsection (2B) of that section as if it included a reference to sub-paragraph (1) above);
- “registered establishment” has the meaning given by 34(1) of that Act.
- (3) Subsections (4) to (10) of section 35 of the Mental Health Act 1983 apply for the purposes of sub-paragraph (1) with any necessary modifications (in particular, with references to the accused person being read as references to the person mentioned in that sub-paragraph, and references to the court being read as references to the judge or the court).

### *Further remand*

- 7 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the end of the period of remand, the court may further remand the person in his or her absence.
- (2) The power in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person's recognizance and those of any sureties for the person to a later time.
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may (in the person's absence) enlarge the person's recognizance and those of any sureties for the person to a later time.
- (4) The enlargement of the person's recognizance is to be treated as a further remand.
- (5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

### *Postponement of taking recognizance*

- 8 Where under paragraph 2(3)(b) the court fixes the amount in which the principal and the sureties, if any, are to be bound, the recognizance may afterwards be taken by a person prescribed by rules of court, with the same consequences as if it had been entered into before the court.

### *Requirements imposed on remand on bail*

- 9 The court may when remanding a person on bail under this Schedule require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.

## SCHEDULE 2

Section 12

### BREACH OF INJUNCTIONS: POWERS OF COURT IN RESPECT OF UNDER-18S

## PART 1

### INTRODUCTORY

#### *Power to make supervision order or detention order*

- 1 (1) A youth court, if satisfied beyond reasonable doubt that a person aged under 18 is in breach of a provision of an injunction under section 1 to which he or she is subject, may make in respect of the person—
- (a) a supervision order (see Part 2 of this Schedule), or
  - (b) a detention order (see Part 3 of this Schedule).
- (2) An order under sub-paragraph (1) may be made only on the application of the person who applied for the injunction.

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- (3) A person making an application for an order under sub-paragraph (1) must before doing so—
  - (a) consult any youth offending team specified under section 3(1) or, if a youth offending team is not specified under that subsection, the local youth offending team within the meaning of section 14;
  - (b) inform any other body or individual the applicant thinks appropriate.
- (4) In considering whether and how to exercise its powers under this paragraph, the court must consider any representations made by the youth offending team referred to in sub-paragraph (3)(a).
- (5) A detention order may not be made under sub-paragraph (1) in respect of a person aged under 14.
- (6) The court may not make a detention order under sub-paragraph (1) unless it is satisfied that, in view of the severity or extent of the breach, no other power available to the court is appropriate.

## PART 2

### SUPERVISION ORDERS

#### *Supervision orders*

- 2 (1) A supervision order is an order imposing on the person in respect of whom it is made (“the defaulter”) one or more of the following requirements—
  - (a) a supervision requirement (see paragraph 3);
  - (b) an activity requirement (see paragraph 4);
  - (c) a curfew requirement (see paragraph 5).
- (2) Before making a supervision order the court must obtain and consider information about the defaulter’s family circumstances and the likely effect of a supervision order on those circumstances.
- (3) Before making a supervision order imposing two or more requirements, the court must consider their compatibility with each other.
- (4) The court must ensure, as far as practicable, that requirements imposed by a supervision order are such as to avoid—
  - (a) any interference with the times, if any, at which the defaulter normally works or attends school or any other educational establishment;
  - (b) any conflict with the requirements of any other court order or injunction to which the defaulter may be subject.
- (5) A supervision order must for the purposes of this Schedule specify a maximum period for the operation of any requirement contained in the order.
- (6) The period specified under sub-paragraph (5) may not exceed 6 months (not counting the day on which the order is made).
- (7) A supervision order must for the purposes of this Schedule specify—
  - (a) the youth offending team in whose area it appears to the court that the respondent will live during the period specified under sub-paragraph (5), or

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- (b) if it appears to the court that the defaulter will live in more than one such area, whichever of the relevant youth offending teams the court decides.

#### *Supervision requirements*

- 3 (1) In this Schedule “supervision requirement”, in relation to a supervision order, means a requirement that the defaulter attend appointments with—
- (a) the responsible officer (see paragraph 7), or
  - (b) another person decided by the responsible officer,
- at whatever times and places the responsible officer instructs.
- (2) The appointments must be within the period for the time being specified in the order under paragraph 2(5).

#### *Activity requirements*

- 4 (1) In this Schedule “activity requirement”, in relation to a supervision order, means a requirement that the defaulter do any or all of the following within the period for the time being specified in the order under paragraph 2(5)—
- (a) participate, on however many days are specified in the order, in activities at a place or places specified in it;
  - (b) participate in an activity or activities specified in the order on however many days are specified in it;
  - (c) participate in one or more residential exercises for a continuous period or periods comprising however many days are specified in the order;
  - (d) in accordance with sub-paragraphs (8) to (10), engage in activities in accordance with instructions of the responsible officer on however many days are specified in the order.
- (2) The aggregate number of days specified in a supervision order in relation to an activity requirement must not be less than 12 or more than 24.
- (3) A requirement referred to in sub-paragraph (1)(a) operates to require the defaulter, in accordance with instructions given by the responsible officer, on the number of days specified in the order in relation to the requirement—
- (a) to present himself or herself at a place specified in the order to a person of a description specified in it;
  - (b) on each day, to comply with instructions given by, or under the authority of, the person in charge of the place.
- (4) A requirement referred to in sub-paragraph (1)(b) operates to require the defaulter, in accordance with instructions given by the responsible officer, on the number of days specified in the order in relation to the requirement—
- (a) to participate in an activity specified in the order;
  - (b) on each day, to comply with instructions given by, or under the authority of, the person in charge of the activity.
- (5) Where the order includes a requirement referred to in sub-paragraph (1)(c) to participate in a residential exercise, it must specify either—
- (a) a place, or
  - (b) an activity,
- in relation to the exercise.

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- (6) A requirement under sub-paragraph (1)(c) to participate in a residential exercise in relation to which a place is specified under sub-paragraph (5) operates to require the defaulter, in accordance with instructions given by the responsible officer—
- (a) to present himself or herself at the beginning of the period specified in the order in relation to the exercise, at the place specified in it, to a person of a description specified in the instructions;
  - (b) to live there for that period;
  - (c) during that period to comply with instructions given by, or under the authority of, the person in charge of the place.
- (7) A requirement under sub-paragraph (1)(c) to participate in a residential exercise in relation to which an activity is specified under sub-paragraph (5) operates to require the defaulter, in accordance with instructions given by the responsible officer—
- (a) to participate, for the period specified in the order in relation to the exercise, in the activity specified in it;
  - (b) during that period to comply with instructions given by, or under the authority of, the person in charge of the activity.
- (8) Subject to sub-paragraph (9), instructions under sub-paragraph (1)(d) relating to any particular day must require the defaulter to do either of the following—
- (a) to present himself or herself to a person of a description specified in the instructions at a place specified in them;
  - (b) to participate in an activity specified in the instructions.
- The instructions operate to require the defaulter, on that day or while participating in that activity, to comply with instructions given by, or under the authority of, the person in charge of the place or activity.
- (9) If the supervision order so provides, instructions under sub-paragraph (1)(d) may require the defaulter to participate in a residential exercise for a period comprising not more than seven days, and for that purpose—
- (a) to present himself or herself at the beginning of that period to a person of a description specified in the instructions at a place specified in them, and to live there for that period, or
  - (b) to participate for that period in an activity specified in the instructions.
- (10) Instructions of the kind mentioned in sub-paragraph (9)—
- (a) may not be given except with the consent of a parent or guardian of the defaulter;
  - (b) operate to require the defaulter, during the period specified under that sub-paragraph, to comply with instructions given by, or under the authority of, the person in charge of the place or activity specified under paragraph (a) or (b) of that sub-paragraph.
- (11) Instructions given by, or under the authority of, a person in charge of a place under sub-paragraph (3)(b), (6)(c), (8) or (10)(b) may require the defaulter to engage in activities otherwise than at that place.
- (12) Where a supervision order contains an activity requirement, the court may, on the application of the original applicant or the defaulter, amend the order by substituting for a number of days, place, activity, period or description of persons specified in the order a new number of days, place, activity, period or description (subject, in the case of a number of days, to sub-paragraph (2)).

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- (13) A court may include an activity requirement in a supervision order or vary an activity requirement under sub-paragraph (12) only if—
- (a) it has consulted the youth offending team that is to be, or is, specified in the order,
  - (b) it is satisfied that it is feasible to secure compliance with the requirement, or the requirement as varied,
  - (c) it is satisfied that provision for the defaulter to participate in the activities proposed can be made under the arrangements for persons to participate in those activities which exist in the area of the youth offending team that is to be, or is, specified in the order, and
  - (d) in a case where the requirement, or the requirement as varied, would involve the co-operation of a person other than the defaulter and the responsible officer, that person consents to its inclusion or variation.
- (14) In sub-paragraph (10) “guardian” has the same meaning as in the Children and Young Persons Act 1933.
- But where a local authority has parental responsibility (within the meaning given by section 3 of the Children Act 1989) for a defaulter who—
- (a) is in the authority’s care, or
  - (b) is provided with accommodation by the authority in the exercise of social services functions (within the meaning given by section 1A of the Local Authority Social Services Act 1970),
- the reference to “guardian” in sub-paragraph (10) is to be read as a reference to that authority.

#### *Curfew requirements*

- 5 (1) In this Schedule “curfew requirement”, in relation to a supervision order, means a requirement that the defaulter remain at a place specified in the order for the periods specified in it.
- (2) A supervision order imposing a curfew requirement may specify different places or different periods for different days.
- (3) The periods specified under sub-paragraph (1)—
- (a) must be within the period for the time being specified in the order under paragraph 2(5);
  - (b) may not amount to less than 2 or more than 8 hours in any day.
- (4) Before specifying a place under sub-paragraph (1), the court making the order must obtain and consider information about the place proposed to be specified (including information as to the attitude of persons likely to be affected by the enforced presence there of the defaulter).
- (5) Where a supervision order contains a curfew requirement, the court may, on the application of the original applicant or the defaulter, amend the order by—
- (a) substituting new periods for the periods specified in the order under this paragraph (subject to sub-paragraph (3));
  - (b) substituting a new place for the place specified in the order under this paragraph (subject to sub-paragraph (4)).



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### *Electronic monitoring requirements*

- 6 (1) A supervision order containing a curfew requirement may also contain a requirement (an “electronic monitoring requirement”) for securing the electronic monitoring of compliance with the curfew requirement during a period—
- (a) specified in the order, or
  - (b) determined by the responsible officer in accordance with the order.
- (2) In the case referred to in sub-paragraph (1)(b), the responsible officer must, before the beginning of the period when the electronic monitoring requirement is to take effect, notify—
- (a) the defaulter,
  - (b) the person responsible for the monitoring, and
  - (c) any person within sub-paragraph (3)(b),
- of the time when that period is to begin.
- (3) Where—
- (a) it is proposed to include an electronic monitoring requirement in a supervision order, but
  - (b) there is a person (other than the defaulter) without whose co-operation it will not be practicable to secure that the monitoring takes place,
- the requirement may not be included in the order without that person’s consent.
- (4) A supervision order imposing an electronic monitoring requirement must include provision for making a person responsible for the monitoring.
- (5) An electronic monitoring requirement may not be included in a supervision order unless the court making the order—
- (a) has been notified by the youth offending team for the time being specified in the order that arrangements for electronic monitoring are available in the area that includes the place the court proposes to specify in the order for the purposes of the curfew requirement, and
  - (b) is satisfied that the necessary provision can be made under the arrangements currently available.
- (6) Where a supervision order contains an electronic monitoring requirement, the court may, on the application of the original applicant or the defaulter, amend the order by substituting a new period for the period specified in the order under this paragraph.
- (7) Sub-paragraph (3) applies in relation to the variation of an electronic monitoring requirement under sub-paragraph (6) as it applies in relation to the inclusion of a requirement.

### *“Responsible officer”*

- 7 (1) For the purposes of this Part of this Schedule, the “responsible officer”, in relation to a supervision order, means—
- (a) in a case where the order imposes a curfew requirement and an electronic monitoring requirement, but does not impose an activity or supervision requirement, the person who under paragraph 6(4) is responsible for the electronic monitoring;



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- (b) in any other case, the member of the youth offending team for the time being specified in the order who is for the time being responsible for discharging the functions conferred by this Schedule on the responsible officer.
- (2) Where a supervision order has been made, it is the duty of the responsible officer—
  - (a) to make any arrangements that are necessary in connection with the requirements contained in the order;
  - (b) to promote the defaulter’s compliance with those requirements.
- (3) The responsible officer must ensure, so far as practicable, that any instructions given by the officer under a supervision order are such as to avoid the things referred to in paragraph 2(4).
- (4) A defaulter in respect of whom a supervision order is made must—
  - (a) keep in touch with the responsible officer, in accordance with any instructions given by the responsible officer from time to time;
  - (b) notify the responsible officer of any change of address.

These obligations have effect as requirements of the order.

#### *Amendment of operative period*

- 8 (1) The court may, on the application of the original applicant, amend a supervision order by substituting a new period for the one specified in the order for the time being under paragraph 2(5) (subject to paragraph 2(6)).
- (2) A court amending a supervision order under sub-paragraph (1) may make whatever other amendments to the order the court considers appropriate in relation to a requirement imposed by the order.

#### *Amendment on change of area of residence*

- 9 (1) This paragraph applies where, on an application made in relation to a supervision order by the original applicant or the defaulter, the court is satisfied that the defaulter proposes to live, or is living, in the area of a youth offending team other than the team for the time being specified in the order.
- (2) If the application is made by the defaulter, the court may amend the order by substituting for the youth offending team specified in the order the youth offending team for the area referred to in sub-paragraph (1) (or, if there is more than one youth offending team for that area, whichever of them the court decides).
- (3) If the application is made by the original applicant, the court must amend the order in the way mentioned in sub-paragraph (2) (subject to sub-paragraph (5)).
- (4) Where a court amends the supervision order under sub-paragraph (2) or (3) but the order contains a requirement that, in the opinion of the court, cannot reasonably be complied with if the defaulter lives in the area referred to in sub-paragraph (1), the court must also amend the order by—
  - (a) removing that requirement, or
  - (b) substituting for that requirement a new requirement that can reasonably be complied with if the defaulter lives in that area.
- (5) Sub-paragraph (3) does not require a court to amend the supervision order if in its opinion sub-paragraph (4) would produce an inappropriate result.

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- (6) The original applicant must consult the youth offending team for the time being specified in the order before making an application under sub-paragraph (1).

*Revocation of supervision order*

- 10 (1) The original applicant or the defaulter may apply to a youth court—
- (a) to revoke a supervision order;
  - (b) to amend a supervision order by removing a requirement from it.
- (2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances that have arisen since the supervision order was made, the court may grant an application under sub-paragraph (1) and revoke or amend the order accordingly.
- (3) The circumstances referred to in sub-paragraph (2) include the conduct of the defaulter.
- (4) If an application under this paragraph is dismissed, the party by which the dismissed application was made may make no further application under this paragraph without—
- (a) the consent of the court, or
  - (b) the agreement of the other party.
- (5) The original applicant must consult the youth offending team for the time being specified in the supervision order before making an application under sub-paragraph (1).

*Compliance with supervision order*

- 11 If the responsible officer considers that the defaulter has complied with all the requirements of the supervision order, the officer must inform the original applicant.

*Non-compliance with supervision order*

- 12 (1) If the responsible officer considers that the defaulter has failed to comply with a requirement of the supervision order, the officer must inform the original applicant.
- (2) On being informed under sub-paragraph (1) the original applicant may apply to a youth court.
- (3) Before making an application under sub-paragraph (2) the original applicant must—
- (a) consult the youth offending team for the time being specified in the order;
  - (b) inform any other body or individual the original applicant thinks appropriate.
- (4) If on an application under sub-paragraph (2) the court is satisfied beyond reasonable doubt that the defaulter has without reasonable excuse failed to comply with a requirement of the supervision order, the court may—
- (a) revoke the supervision order and make a new one;
  - (b) revoke the order and make a detention order (see Part 3 of this Schedule).
- (5) The powers in sub-paragraph (4)—
- (a) may not be exercised after the defaulter reaches the age of 18;

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- (b) are in addition to any other power of the court in relation to the breach of the supervision order.
- (6) The court must consider any representations made by the youth offending team for the time being specified in the order before exercising its powers under this paragraph.

*Copies of supervision order etc*

- 13 (1) A court that makes a supervision order must straight away provide a copy of the order to—
- (a) the defaulter;
  - (b) the youth offending team for the time being specified in the order.
- (2) Where a supervision order is made, the original applicant must straight away provide a copy of so much of the order as is relevant—
- (a) in a case where the order includes an activity requirement specifying a place under paragraph 4(1)(a), to the person in charge of that place;
  - (b) in a case where the order includes an activity requirement specifying an activity under paragraph 4(1)(b), to the person in charge of that activity;
  - (c) in a case where the order includes an activity requirement specifying a residential exercise under paragraph 4(1)(c), to the person in charge of the place or activity specified under paragraph 4(5) in relation to that residential exercise;
  - (d) in a case where the order contains an electronic monitoring requirement, to—
    - (i) any person who by virtue of paragraph 6(4) will be responsible for the electronic monitoring, and
    - (ii) any person without whose consent that requirement could not have been included in the order.
- (3) A court that revokes or amends a supervision order must straight away provide a copy of the revoking order, or of the order as amended, to—
- (a) the defaulter;
  - (b) the youth offending team for the time being specified in the order.
- (4) Where—
- (a) a copy of a supervision order (or part of a supervision order) has been given to a person under sub-paragraph (2) by virtue of a requirement contained in the order, and
  - (b) the order is revoked, or amended in respect of that requirement,
- the original applicant must straight away give a copy of the revoking order, or of so much of the order as amended as is relevant, to that person.

### PART 3

#### DETENTION ORDERS

##### *Detention orders*

- 14 (1) A detention order is an order that the person in respect of whom it is made (“the defaulter”) be detained for a period specified in the order in whatever youth detention accommodation the Secretary of State decides.
- (2) The period specified under sub-paragraph (1) may not exceed the period of 3 months (not counting the day on which the order is made).
- (3) In sub-paragraph (1) “youth detention accommodation” means—
- (a) a secure training centre;
  - (b) a young offender institution;
  - (c) secure accommodation, as defined by section 23(12) of the Children and Young Persons Act 1969.
- (4) The function of the Secretary of State under sub-paragraph (1) is exercisable concurrently with the Youth Justice Board.
- (5) A person detained under a detention order is in legal custody.

##### *Revocation of detention order*

- 15 (1) Where a detention order is made, the original applicant or the defaulter may apply to a youth court to revoke it.
- (2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances that have arisen since the detention order was made, the court may grant an application under sub-paragraph (1) and revoke the order accordingly.
- (3) The circumstances referred to in sub-paragraph (2) include the conduct of the defaulter.
- (4) If an application under this paragraph is dismissed, the party by which the dismissed application was made may make no further application under this paragraph without—
- (a) the consent of the court, or
  - (b) the agreement of the other party.
- (5) A person making an application under this paragraph in relation to a detention order made under paragraph 1 must before doing so consult any youth offending team specified in the injunction under section 3(1) or, if none is specified, the local youth offending team within the meaning of section 14.
- (6) A person making an application under this paragraph in relation to a detention order made under paragraph 12(4)(b) must before doing so consult the youth offending team for the time being specified in the relevant supervision order.

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### SCHEDULE 3

Section 94(2)

#### SCHEDULE TO BE INSERTED AS SCHEDULE 2A TO THE HOUSING ACT 1985

#### “SCHEDULE 2A

Section 84A(9)

#### ABSOLUTE GROUND FOR POSSESSION FOR ANTI-SOCIAL BEHAVIOUR: SERIOUS OFFENCES

##### **Violent offences**

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- 5 An offence under any of the following sections of the Offences against the Person Act 1861—
  - (a) section 4 (soliciting murder),
  - (b) section 16 (threats to kill),
  - (c) section 18 (wounding with intent to cause grievous bodily harm),
  - (d) section 20 (malicious wounding),
  - (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
  - (f) section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence),
  - (g) section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
  - (h) section 24 (maliciously administering poison etc. with intent to injure, aggrieve or annoy any other person),
  - (i) section 27 (abandoning or exposing children whereby life is endangered or health permanently injured),
  - (j) section 28 (causing bodily injury by explosives),
  - (k) section 29 (using explosives etc. with intent to do grievous bodily harm),
  - (l) section 30 (placing explosives with intent to do bodily injury),
  - (m) section 31 (setting spring guns etc. with intent to do grievous bodily harm),
  - (n) section 38 (assault with intent to resist arrest),
  - (o) section 47 (assault occasioning actual bodily harm).
- 6 An offence under any of the following sections of the Explosive Substances Act 1883—
  - (a) section 2 (causing explosion likely to endanger life or property),
  - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property),
  - (c) section 4 (making or possession of explosive under suspicious circumstances).
- 7 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

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- 8 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).
- 9 An offence under section 1 of the Infanticide Act 1938 (infanticide).
- 10 An offence under any of the following sections of the Public Order Act 1986—
- (a) section 1 (riot),
  - (b) section 2 (violent disorder),
  - (c) section 3 (affray).
- 11 An offence under either of the following sections of the Protection from Harassment Act 1997—
- (a) section 4 (putting people in fear of violence),
  - (b) section 4A (stalking involving fear of violence or serious alarm or distress).
- 12 An offence under any of the following provisions of the Crime and Disorder Act 1998—
- (a) section 29 (racially or religiously aggravated assaults),
  - (b) section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986),
  - (c) section 32 (racially or religiously aggravated harassment etc.).
- 13 An offence under either of the following sections of the Female Genital Mutilation Act 2003—
- (a) section 1 (female genital mutilation),
  - (b) section 2 (assisting a girl to mutilate her own genitalia).
- 14 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

### **Sexual offences**

- 15 An offence under section 33A of the Sexual Offences Act 1956 (keeping a brothel used for prostitution).
- 16 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 17 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 18 An indictable offence under Part 1 of the Sexual Offences Act 2003 (sexual offences).

### **Offensive weapons**

- 19 An offence under either of the following sections of the Prevention of Crime Act 1953—
- (a) section 1 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),
  - (b) section 1A (threatening with offensive weapon in public).
- 20 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of firearm with intent to endanger life),
  - (b) section 16A (possession of firearm with intent to cause fear of violence),
  - (c) section 17(1) (use of firearm to resist arrest),

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- (d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to the Act of 1968),
  - (e) section 18 (carrying a firearm with criminal intent),
  - (f) section 19 (carrying a firearm in a public place),
  - (g) section 20 (trespassing with firearm),
  - (h) section 21 (possession of firearms by persons previously convicted of crime).
- 21 An offence under either of the following sections of the Criminal Justice Act 1988—
- (a) section 139 (having article with blade or point in public place),
  - (b) section 139AA (threatening with article with blade or point or offensive weapon).

### **Offences against property**

- 22 An offence under any of the following sections of the Theft Act 1968—
- (a) section 8 (robbery or assault with intent to rob),
  - (b) section 9 (burglary),
  - (c) section 10 (aggravated burglary).
- 23 An offence under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).
- 24 An offence under section 30 of the Crime and Disorder Act 1998 (racially or religiously aggravated criminal damage).

### **Road traffic offences**

- 25 An offence under section 35 of the Offences against the Person Act 1861 (injuring persons by furious driving).
- 26 An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking involving an accident which caused the death of any person).
- 27 An offence under any of the following sections of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving),
  - (b) section 1A (causing serious injury by dangerous driving),
  - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

### **Drug-related offences**

- 28 An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 4 (restriction of production and supply of controlled drugs),
  - (b) section 5(3) (possession of controlled drugs with intent to supply),
  - (c) section 8(a) or (b) (occupiers etc. of premises to be punishable for permitting unlawful production or supply etc. of controlled drugs there).
- 29 An offence under section 6 of that Act (restrictions of cultivation of cannabis plant) where the cultivation is for profit and the whole or a substantial part of the dwelling-house concerned is used for the cultivation.



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### **Inchoate offences**

- 30 (1) An offence of attempting or conspiring the commission of an offence specified or described in this Schedule.
- (2) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Schedule.
- (3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Schedule.

### **Scope of offences**

- 31 Where this Schedule refers to offences which are offences under the law of England and Wales and another country or territory, the reference is to be read as limited to the offences so far as they are offences under the law of England and Wales.”

## SCHEDULE 4

Section 104

### ASB CASE REVIEWS: SUPPLEMENTARY PROVISION

#### **PART 1**

#### MAKING AND REVISING REVIEW PROCEDURES ETC

##### *Consultation: local policing bodies*

- 1 (1) In making and revising the review procedures, the relevant bodies in a local government area must consult the local policing body for the relevant police area.
- (2) The “relevant police area” is the police area which consists of, or includes, the local government area.

##### *Consultation: local providers of social housing*

- 2 In making and revising the review procedures, the relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate.

##### *Dissatisfaction with ASB case reviews*

- 3 The review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have—
- (a) dealt with an application for an ASB case review, or
  - (b) carried out an ASB case review.

##### *Assessment and revision of review procedures*

- 4 The review procedures must include provision about—
- (a) the assessment of the effectiveness of those procedures, and

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- (b) the revision of those procedures.

## PART 2

### INCLUSION OF LOCAL PROVIDERS OF SOCIAL HOUSING AMONG RELEVANT BODIES

#### *Co-option arrangements*

- 5 (1) The responsible authorities in a local government area must make arrangements (“co-option arrangements”) for the inclusion of local providers of social housing among the relevant bodies in that area.
- (2) In this paragraph “responsible authorities” means—
- (a) in relation to a local government area in England—
- (i) the relevant district council or the unitary authority,
  - (ii) the chief officer of police for the police area which that local government area is within, and
  - (iii) each clinical commissioning group established under section 14V of the National Health Service Act 2006 whose area is wholly or partly within that local government area;
- (b) in relation to a local government area in Wales—
- (i) the council for the area,
  - (ii) the chief officer of police for the police area which that local government area is within, and
  - (iii) each Local Health Board whose area is wholly or partly within that local government area.

## PART 3

### ASB CASE REVIEWS

#### *Consultation and co-operation: local providers of social housing*

- 6 (1) The relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate in carrying out ASB case reviews.
- (2) The local providers of social housing must co-operate with the relevant bodies in the local government area in any matters specified by the relevant bodies that concern ASB case reviews.

#### *Information*

- 7 (1) The relevant bodies in a local government area may request any person to disclose information for a purpose connected with the carrying out of an ASB case review.
- (2) If such a request is made to a person that exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (4)) comply with the request.

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- (3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (4)) comply with the request.
- (4) This paragraph does not require or authorise—
- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
  - (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (5) Subject to that, a disclosure under this paragraph does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).

## PART 4

### GENERAL

#### *Joint review procedures or co-option arrangements*

- 8 (1) The relevant bodies in two or more local government areas—
- (a) may jointly make review procedures applicable to those areas;
  - (b) must secure that such jointly-made review procedures are in place if co-option arrangements applicable to those areas have been jointly made under sub-paragraph (2).
- (2) The responsible authorities in two or more local government areas—
- (a) may jointly make co-option arrangements applicable to those areas;
  - (b) must secure that such jointly-made co-option arrangements are in place if review procedures applicable to those areas have been jointly made under sub-paragraph (1).
- (3) In a case where review procedures or co-option arrangements are made jointly in accordance with this paragraph, a reference to any of the following in section 104, section 105 or this Schedule is to be read accordingly—
- (a) the relevant bodies (in the case of review procedures) or the responsible authorities (in the case of co-option arrangements);
  - (b) the local government area or the relevant police area (in either case).

#### *Different review procedures or co-option arrangements for different parts of an area etc*

- 9 (1) Review procedures may make different provision in relation to different parts of a local government area.
- (2) Review procedures or co-option arrangements made jointly in accordance with paragraph 8 may make different provision in relation to—
- (a) different local government areas to which the procedures or arrangements are applicable, or
  - (b) different parts of such areas.

## SCHEDULE 5

Section 113

### AMENDMENTS OF PARTS 2 AND 3 OF THE SEXUAL OFFENCES ACT 2003

#### *Introduction*

- 1 Part 2 of the Sexual Offences Act 2003 (notification and orders) is amended as set out in paragraphs 2 to 6.

#### *Sexual harm prevention orders*

- 2 After section 103 there is inserted—

*“Sexual harm prevention orders (England and Wales)*

#### **103A Sexual harm prevention orders: applications and grounds**

- (1) A court may make an order under this section (a “sexual harm prevention order”) in respect of a person (“the defendant”) where subsection (2) or (3) applies to the defendant.
- (2) This subsection applies to the defendant where—
- (a) the court deals with the defendant in respect of—
    - (i) an offence listed in Schedule 3 or 5, or
    - (ii) a finding that the defendant is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
    - (iii) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of an offence listed in Schedule 3 or 5,and
  - (b) the court is satisfied that it is necessary to make a sexual harm prevention order, for the purpose of—
    - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
    - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (3) This subsection applies to the defendant where—
- (a) an application under subsection (4) has been made in respect of the defendant and it is proved on the application that the defendant is a qualifying offender, and
  - (b) the court is satisfied that the defendant’s behaviour since the appropriate date makes it necessary to make a sexual harm prevention order, for the purpose of—
    - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
    - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

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- (4) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the chief officer or the Director General that—
- (a) the person is a qualifying offender, and
  - (b) the person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
- (5) A chief officer of police may make an application under subsection (4) only in respect of a person—
- (a) who resides in the chief officer’s police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
- (6) An application under subsection (4) may be made to any magistrates’ court acting for a local justice area that includes—
- (a) any part of a relevant police area, or
  - (b) any place where it is alleged that the person acted in a way mentioned in subsection (4)(b).
- (7) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (4).
- (8) Where the defendant is a child, a reference in this section to a magistrates’ court is to be taken as referring to a youth court (subject to any rules of court made under section 103K(1)).
- (9) In this section “relevant police area” means—
- (a) where the applicant is a chief officer of police, the officer’s police area;
  - (b) where the applicant is the Director General—
    - (i) the police area where the person in question resides, or
    - (ii) a police area which the Director General believes the person is in or is intending to come to.

### **103B Section 103A: supplemental**

- (1) In section 103A—
- “appropriate date”, in relation to a qualifying offender, means the date or (as the case may be) the first date on which the offender was convicted, found or cautioned as mentioned in subsection (2) or (3) below;
  - “child” means a person under 18;
  - “the public” means the public in the United Kingdom;
  - “sexual harm” from a person means physical or psychological harm caused—
    - (a) by the person committing one or more offences listed in Schedule 3, or

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- (b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;
- “qualifying offender” means a person within subsection (2) or (3) below;
- “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) A person is within this subsection if, whether before or after the commencement of this Part, the person—
- (a) has been convicted of an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5,
  - (b) has been found not guilty of such an offence by reason of insanity,
  - (c) has been found to be under a disability and to have done the act charged against him in respect of such an offence, or
  - (d) has been cautioned in respect of such an offence.
- (3) A person is within this subsection if, under the law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
- (a) the person has been convicted of a relevant offence (whether or not the person has been punished for it),
  - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that the person is not guilty by reason of insanity,
  - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence, or
  - (d) the person has been cautioned in respect of a relevant offence.
- (4) In subsection (3), “relevant offence” means an act which—
- (a) constituted an offence under the law in force in the country concerned, and
  - (b) would have constituted an offence listed in Schedule 3 (other than at paragraph 60) or in Schedule 5 if it had been done in any part of the United Kingdom.
- For this purpose an act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law, however it is described in that law.
- (5) For the purposes of section 103A, acts, behaviour, convictions and findings include those occurring before the commencement of this Part.
- (6) Subject to subsection (7), on an application under section 103A(4) the condition in subsection (4)(b) above (where relevant) is to be taken as met unless, not later than rules of court may provide, the defendant serves on the applicant a notice—

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- (a) stating that, on the facts as alleged with respect to the act concerned, the condition is not in the defendant's opinion met,
  - (b) showing the grounds for that opinion, and
  - (c) requiring the applicant to prove that the condition is met.
- (7) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without service of a notice under subsection (6).
- (8) Subsection (9) applies for the purposes of section 103A and this section.
- (9) In construing any reference to an offence listed in Schedule 3, any condition subject to which an offence is so listed that relates—
- (a) to the way in which the defendant is dealt with in respect of an offence so listed or a relevant finding (as defined by section 132(9)), or
  - (b) to the age of any person,
- is to be disregarded.

#### **SHPOs: effect**

- (1) A sexual harm prevention order prohibits the defendant from doing anything described in the order.
- (2) Subject to section 103D(1), a prohibition contained in a sexual harm prevention order has effect—
  - (a) for a fixed period, specified in the order, of at least 5 years, or
  - (b) until further order.
- (3) A sexual harm prevention order—
  - (a) may specify that some of its prohibitions have effect until further order and some for a fixed period;
  - (b) may specify different periods for different prohibitions.
- (4) The only prohibitions that may be included in a sexual harm prevention order are those necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (5) In subsection (4) “the public”, “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).
- (6) Where a court makes a sexual harm prevention order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

#### **103D SHPOs: prohibitions on foreign travel**

- (1) A prohibition on foreign travel contained in a sexual harm prevention order must be for a fixed period of not more than 5 years.



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- (2) A “prohibition on foreign travel” means—
- (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
  - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
  - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 103E.
- (4) A sexual harm prevention order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
- (a) on or before the date when the prohibition takes effect, or
  - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual harm prevention order containing a prohibition within subsection (2)(c) (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
- (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
  - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” means—
- (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
  - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
  - (c) a document that can be used (in some or all circumstances) instead of a passport.

#### **103E SHPOs: variations, renewals and discharges**

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a sexual harm prevention order.
- (2) The persons are—
- (a) the defendant;
  - (b) the chief officer of police for the area in which the defendant resides;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area;
  - (d) where the order was made on an application by a chief officer of police under section 103A(4), that officer.

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- (3) An application under subsection (1) may be made—
- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (7), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual harm prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
- (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.

- (6) In subsection (5) “the public”, “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).
- (7) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and—
- (a) where the application is made by a chief officer of police, that chief officer, or
  - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (8) Subsection (7) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.
- (9) In this section “the appropriate court” means—
- (a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;
  - (b) where an adult magistrates’ court made the order, that court, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
  - (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
  - (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer

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of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

In this subsection "adult magistrates' court" means a magistrates' court that is not a youth court.

### **103F Interim SHPOs**

- (1) This section applies where an application under section 103A(4) ("the main application") has not been determined.
- (2) An application for an order under this section ("an interim sexual harm prevention order")—
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim sexual harm prevention order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual harm prevention order for the order to be varied, renewed or discharged.

### **103G SHPOs and interim SHPOs: notification requirements**

- (1) Where—
  - (a) a sexual harm prevention order is made in respect of a defendant who was a relevant offender immediately before the making of the order, and
  - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the order (as renewed from time to time) has effect,the defendant remains subject to the notification requirements.
- (2) Where a sexual harm prevention order is made in respect of a defendant who was not a relevant offender immediately before the making of the order—
  - (a) the order causes the defendant to become subject to the notification requirements of this Part from the making of the order until the order (as renewed from time to time) ceases to have effect, and
  - (b) this Part applies to the defendant, subject to the modification set out in subsection (3).
- (3) The "relevant date" is the date of service of the order.

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- (4) Subsections (1) to (3) apply to an interim sexual harm prevention order as if references to a sexual harm prevention order were references to an interim sexual harm prevention order, and with the omission of “(as renewed from time to time)” in both places.
- (5) Where—
- (a) a sexual harm prevention order is in effect in relation to a relevant sex offender (within the meaning of section 88A), and
  - (b) by virtue of section 88F or 88G the relevant sex offender ceases to be subject to the notification requirements of this Part,
- the sexual harm prevention order ceases to have effect.
- (6) On an application for a sexual harm prevention order made by a chief officer of police, the court must make a notification order in respect of the defendant (either in addition to or instead of a sexual harm prevention order) if—
- (a) the applicant invites the court to do so, and
  - (b) it is proved that the conditions in section 97(2) to (4) are met.
- (7) On an application for an interim sexual harm prevention order made by a chief officer of police, the court may, if it considers it just to do so, make an interim notification order (either in addition to or instead of an interim sexual harm prevention order).

### **103H SHPOs and interim SHPOs: appeals**

- (1) A defendant may appeal against the making of a sexual harm prevention order—
- (a) where the order was made by virtue of section 103A(2)(a)(i), as if the order were a sentence passed on the defendant for the offence;
  - (b) where the order was made by virtue of section 103A(2)(a)(ii) or (iii), as if the defendant had been convicted of the offence and the order were a sentence passed on the defendant for that offence;
  - (c) where the order was made on an application under section 103A(4), to the Crown Court.
- (2) A defendant may appeal to the Crown Court against the making of an interim sexual harm prevention order.
- (3) A defendant may appeal against the making of an order under section 103E, or the refusal to make such an order—
- (a) where the application for such an order was made to the Crown Court, to the Court of Appeal;
  - (b) in any other case, to the Crown Court.
- (4) On an appeal under subsection (1)(c), (2) or (3)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (5) Any order made by the Crown Court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a magistrates’ court) is for the purposes of section 103E(9) or 103F(5)

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(respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

### **103I Offence: breach of SHPO or interim SHPO etc**

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
  - (a) a sexual harm prevention order,
  - (b) an interim sexual harm prevention order,
  - (c) a sexual offences prevention order,
  - (d) an interim sexual offences prevention order, or
  - (e) a foreign travel order,commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 103D(4).
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

### **103J SHPOs and interim SHPOs: guidance**

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual harm prevention orders and interim sexual harm prevention orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.

### **103K SHPOs and interim SHPOs: supplementary**

- (1) Rules of court—
  - (a) may provide for a youth court to give permission for an application under section 103A(4) against a person aged 18 or over to be made to the youth court if—
    - (i) an application to the youth court has been made, or is to be made, under that section against a person aged under 18, and
    - (ii) the youth court thinks that it would be in the interests of justice for the applications to be heard together;

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- (b) may, in relation to a person attaining the age of 18 after proceedings against that person by virtue of section 103A, 103E, 103F or 103G(6) or (7) have begun—
    - (i) prescribe circumstances in which the proceedings may or must remain in the youth court;
    - (ii) make provision for the transfer of the proceedings from the youth court to a magistrates' court that is not a youth court (including provision applying section 103F with modifications).
- (2) A person's age is treated for the purposes of sections 103A to 103J and this section as being that which it appears to the court to be after considering any available evidence."

*Sexual offences prevention orders and foreign travel orders*

- 3 (1) Sections 104 to 122 (sexual offences prevention orders and foreign travel orders) are repealed.
- (2) This paragraph extends only to England and Wales.

*Sexual risk orders*

- 4 Before section 123 there is inserted—

*“Sexual risk orders (England and Wales)*

**122A Sexual risk orders: applications, grounds and effect**

- (1) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates' court apply for an order under this section (a “sexual risk order”) in respect of a person (“the defendant”) if it appears to the chief officer or the Director General that the following condition is met.
- (2) The condition is that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for a sexual risk order to be made.
- (3) A chief officer of police may make an application under subsection (1) only in respect of a person—
  - (a) who resides in the chief officer's police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) An application under subsection (1) may be made to any magistrates' court acting for a local justice area that includes—
  - (a) any part of a relevant police area, or
  - (b) any place where it is alleged that the person acted in a way mentioned in subsection (2).

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- (5) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (1).
- (6) On an application under subsection (1), the court may make a sexual risk order if it is satisfied that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which it is necessary to make such an order for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (7) Such an order—
  - (a) prohibits the defendant from doing anything described in the order;
  - (b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- (8) A sexual risk order may specify different periods for different prohibitions.
- (9) The only prohibitions that may be imposed are those necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (10) Where a court makes a sexual risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.

#### **122B Section 122A: interpretation**

- (1) In section 122A—
  - “child” means a person under 18;
  - “harm” from the defendant means physical or psychological harm caused by the defendant doing an act of a sexual nature;
  - “the public” means the public in the United Kingdom;
  - “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.
- (2) Where the defendant is a child, a reference in that section to a magistrates’ court is to be taken as referring to a youth court (subject to any rules of court made under section 122K(1)).
- (3) In that section “relevant police area” means—
  - (a) where the applicant is a chief officer of police, the officer’s police area;



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- (b) where the applicant is the Director General of the National Crime Agency—
  - (i) the police area where the person in question resides, or
  - (ii) a police area which the Director General believes the person is in or is intending to come to.

### **122C Sexual risk orders: prohibitions on foreign travel**

- (1) A prohibition on foreign travel contained in a sexual risk order must not be for a period of more than 5 years.
- (2) A “prohibition on foreign travel” means—
  - (a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,
  - (b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or
  - (c) a prohibition on travelling to any country outside the United Kingdom.
- (3) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 122D.
- (4) A sexual risk order that contains a prohibition within subsection (2)(c) must require the defendant to surrender all of the defendant’s passports at a police station specified in the order—
  - (a) on or before the date when the prohibition takes effect, or
  - (b) within a period specified in the order.
- (5) Any passports surrendered must be returned as soon as reasonably practicable after the person ceases to be subject to a sexual risk order containing such a prohibition (unless the person is subject to an equivalent prohibition under another order).
- (6) Subsection (5) does not apply in relation to—
  - (a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;
  - (b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.
- (7) In this section “passport” means—
  - (a) a United Kingdom passport within the meaning of the Immigration Act 1971;
  - (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
  - (c) a document that can be used (in some or all circumstances) instead of a passport.

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### **122D Sexual risk order: variations, renewals and discharges**

- (1) A person within subsection (2) may by complaint to the appropriate court apply for an order varying, renewing or discharging a sexual risk order.
- (2) The persons are—
  - (a) the defendant;
  - (b) the chief officer of police for the area in which the defendant resides;
  - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
  - (d) where the order was made on an application by a chief officer of police, that officer.
- (3) Subject to subsections (4) and (5), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual risk order, that the court considers appropriate.
- (4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.
- (5) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of the defendant and—
  - (a) where the application is made by a chief officer of police, that chief officer, or
  - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (6) Section 122B(1) applies for the purposes of this section.
- (7) In this section “the appropriate court” means—
  - (a) where an adult magistrates' court made the sexual risk order, that court, any adult magistrates' court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area;
  - (b) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area;
  - (c) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates' court for the area in which the

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defendant resides or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

In this subsection "adult magistrates' court" means a magistrates' court that is not a youth court.

### **122E Interim sexual risk orders**

- (1) This section applies where an application for a sexual risk order ("the main application") has not been determined.
- (2) An application for an order under this section ("an interim sexual risk order")
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim sexual risk order, prohibiting the defendant from doing anything described in the order.
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) The applicant or the defendant may by complaint apply to the court that made the interim sexual risk order for the order to be varied, renewed or discharged.

### **122F Sexual risk orders and interim sexual risk orders: notification requirements**

- (1) A person in respect of whom a court makes—
  - (a) a sexual risk order (other than one that replaces an interim sexual risk order), or
  - (b) an interim sexual risk order,
 must, within the period of 3 days beginning with the date of service of the order, notify to the police the information set out in subsection (2) (unless the person is subject to the notification requirements of this Part on that date).
- (2) The information is—
  - (a) the person's name and, where the person uses one or more other names, each of those names;
  - (b) the person's home address.
- (3) A person who—
  - (a) is subject to a sexual risk order or an interim sexual risk order (but is not subject to the notification requirements of this Part), and
  - (b) uses a name which has not been notified under this section (or under any other provision of this Part), or changes home address,

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must, within the period of 3 days beginning with the date on which that happens, notify to the police that name or (as the case may be) the new home address.

- (4) Sections 87 (method of notification and related matters) and 91 (offences relating to notification) apply for the purposes of this section—
- (a) with references to section 83(1) being read as references to subsection (1) above,
  - (b) with references to section 84(1) being read as references to subsection (3) above, and
  - (c) with the omission of section 87(2)(b).

### **122G Sexual risk orders and interim sexual risk orders: appeals**

- (1) A defendant may appeal to the Crown Court—
- (a) against the making of a sexual risk order;
  - (b) against the making of an interim sexual risk order; or
  - (c) against the making of an order under section 122D, or the refusal to make such an order.
- (2) On any such appeal, the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order made by the Crown Court on an appeal under subsection (1) (a) or (b) (other than an order directing that an application be re-heard by a magistrates' court) is for the purposes of section 122D(7) or 122E(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the Crown Court).

### **122H Offence: breach of sexual risk order or interim sexual risk order etc**

- (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
- (a) a sexual risk order,
  - (b) an interim sexual risk order,
  - (c) a risk of sexual harm order,
  - (d) an interim risk of sexual harm order,
  - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
  - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
- commits an offence.
- (2) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 122C(4).
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine or both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (4) Where a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.

### **122I Effect of conviction etc of an offence under section 122H etc**

- (1) This section applies to a person (“the defendant”) who—
  - (a) is convicted of an offence mentioned in subsection (2);
  - (b) is found not guilty of such an offence by reason of insanity;
  - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence; or
  - (d) is cautioned in respect of such an offence.
- (2) Those offences are—
  - (a) an offence under section 122H or 128 of this Act;
  - (b) an offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (contravention of risk of sexual harm order or interim risk of sexual harm order in Scotland).
- (3) Where—
  - (a) a defendant was a relevant offender immediately before this section applied to the defendant, and
  - (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the relevant order (as renewed from time to time) has effect,
 the defendant remains subject to the notification requirements.
- (4) Where the defendant was not a relevant offender immediately before this section applied to the defendant—
  - (a) this section causes the defendant to become subject to the notification requirements of this Part from the time the section first applies to the defendant until the relevant order (as renewed from time to time) ceases to have effect, and
  - (b) this Part applies to the defendant, subject to the modification set out in subsection (5).
- (5) The “relevant date” is the date on which this section first applies to the defendant.
- (6) In this section “relevant order” means—
  - (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a sexual risk order or a risk of sexual harm order, that order;
  - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim sexual risk order or an interim risk of sexual harm order, any sexual risk order or risk of sexual harm order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.

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- (7) In subsection (6) “risk of sexual harm order” and “interim risk of sexual harm order” include orders under sections 2 and 5 (respectively) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

#### **122J Sexual risk orders and interim sexual risk orders: guidance**

- (1) The Secretary of State must issue guidance to chief officers of police and to the Director General of the National Crime Agency in relation to the exercise by them of their powers with regard to sexual risk orders and interim sexual risk orders.
- (2) The Secretary of State may, from time to time, revise the guidance issued under subsection (1).
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.

#### **122K Sexual risk orders and interim sexual risk orders: supplementary**

- (1) Rules of court—
- (a) may provide for a youth court to give permission for an application under section 122A against a person aged 18 or over to be made to the youth court if—
- (i) an application to the youth court has been made, or is to be made, under that section against a person aged under 18, and
- (ii) the youth court thinks that it would be in the interests of justice for the applications to be heard together;
- (b) may, in relation to a person attaining the age of 18 after proceedings against that person by virtue of section 122A, 122D or 122E have begun—
- (i) prescribe circumstances in which the proceedings may or must remain in the youth court;
- (ii) make provision for the transfer of the proceedings from the youth court to a magistrates’ court that is not a youth court (including provision applying section 122E with modifications).
- (2) A person’s age is treated for the purposes of sections 122A to 122J and this section as being that which it appears to the court to be after considering any available evidence.”

#### *Risk of sexual harm orders*

- 5 (1) Sections 123 to 129 (risk of sexual harm orders) are repealed.
- (2) This paragraph extends only to England and Wales.

#### *Application etc of orders*

- 6 After section 136 there is inserted—

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### “136ZA Application of orders throughout the United Kingdom

- (1) In this section “relevant order” means—
- (a) a sexual harm prevention order;
  - (b) an interim sexual harm prevention order;
  - (c) a sexual offences prevention order;
  - (d) an interim sexual offences prevention order;
  - (e) a foreign travel order;
  - (f) a sexual risk order;
  - (g) an interim sexual risk order;
  - (h) a risk of sexual harm order;
  - (i) an interim risk of sexual harm order;
  - (j) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland);
  - (k) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland).
- (2) For the purposes of sections 103I, 113, 122, 122H and 128, prohibitions imposed by a relevant order made in one part of the United Kingdom apply (unless expressly confined to particular localities) throughout that and every other part of the United Kingdom.

### 136ZB Order ceases to have effect when new order made

- (1) Where a court in England and Wales makes an order listed in the first column of the following Table in relation to a person who is already subject to an order listed opposite it in the second column, the earlier order ceases to have effect (whichever part of the United Kingdom it was made in) unless the court orders otherwise.

<i>New order</i>	<i>Earlier order</i>
Sexual harm prevention order	— sexual offences prevention order; — foreign travel order.
Sexual risk order	— risk of sexual harm order; — foreign travel order.

- (2) Where a court in Northern Ireland or Scotland makes an order listed in the first column of the following Table in relation to a person who is already subject to an order or prohibition listed opposite it in the second column, the earlier order or prohibition ceases to have effect (even though it was made or imposed by a court in England and Wales) unless the court orders otherwise.

<i>New order</i>	<i>Earlier order or prohibition</i>
Sexual offences prevention order	— sexual harm prevention order not containing a prohibition on foreign travel;

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<i>New order</i>	<i>Earlier order or prohibition</i>
Foreign travel order	— in the case of a sexual harm prevention order containing a prohibition on foreign travel, each of its other prohibitions. — prohibition on foreign travel contained in a sexual harm prevention order.
Risk of sexual harm order	— sexual risk order not containing a prohibition on foreign travel; — in the case of a sexual risk order containing a prohibition on foreign travel, each of its other prohibitions.

- (3) In this section—
- (a) “court”, in Scotland, includes sheriff;
  - (b) “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

### **136ZC Variation of sexual harm prevention order by court in Northern Ireland**

- (1) This section applies where a sexual harm prevention order has been made in respect of a person who now—
  - (a) is residing in Northern Ireland, or
  - (b) is in or is intending to come to Northern Ireland.
- (2) An application may be made to the appropriate court in Northern Ireland—
  - (a) by the defendant, or
  - (b) by the Chief Constable,for an order varying the sexual harm prevention order.
- (3) An application under subsection (2) may be made—
  - (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (6), on the application the court, after hearing the person making the application and the other person mentioned in subsection (2) (if that person wishes to be heard), may make any order varying the sexual harm prevention order that the court considers appropriate.
- (5) An order may be varied so as to impose additional prohibitions on the defendant only if it is necessary to do so for the purpose of—
  - (a) protecting the public in Northern Ireland, or any particular members of the public in Northern Ireland, from sexual harm from the defendant, or



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- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (6) An order as varied under this section may contain only such prohibitions as are necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (7) The defendant may appeal against the making of an order under this section, or the refusal to make such an order—
  - (a) where the application for such an order was made to the Crown Court, to the Court of Appeal in Northern Ireland;
  - (b) in any other case, to a county court in Northern Ireland.
- (8) On an appeal under subsection (7)(b), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (9) In this section—
  - “the appropriate court” means—
    - (a) where the sexual harm prevention order was made by—
      - (i) the Crown Court, otherwise than on appeal from a magistrates’ court, or
      - (ii) the Court of Appeal,
 the Crown Court (in Northern Ireland);
    - (b) where—
      - (i) the sexual harm prevention order was made by a magistrates’ court, or by the Crown Court on appeal from a magistrates’ court, and
      - (ii) the defendant is aged 18 or over,
 any court of summary jurisdiction in Northern Ireland;
    - (c) where—
      - (i) the defendant is aged under 18, and
      - (ii) paragraph (a) does not apply,
 any youth court in Northern Ireland;
  - “the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;
  - “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).

### **136ZD Variation of sexual risk order by court in Northern Ireland**

- (1) This section applies where a sexual risk order has been made in respect of a person who now—
  - (a) is residing in Northern Ireland, or
  - (b) is in or is intending to come to Northern Ireland.

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- (2) An application may be made to the appropriate court in Northern Ireland—
  - (a) by the defendant, or
  - (b) by the Chief Constable,for an order varying the sexual risk order.
- (3) Subject to subsections (4) and (5), on the application the court, after hearing the person making the application and the other person mentioned in subsection (2) (if that person wishes to be heard), may make any order varying the sexual risk order that the court considers appropriate.
- (4) An order may be varied so as to impose additional prohibitions on the defendant only if it is necessary to do so for the purpose of—
  - (a) protecting the public in Northern Ireland, or any particular members of the public in Northern Ireland, from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (5) An order as varied under this section may contain only such prohibitions as are necessary for the purpose of—
  - (a) protecting the public or any particular members of the public from harm from the defendant, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (6) The defendant may appeal against the making of an order under this section, or the refusal to make such an order, to a county court in Northern Ireland.
- (7) On an appeal under subsection (6), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (8) In this section—

“the appropriate court” means—

  - (a) where the defendant is aged 18 or over, any court of summary jurisdiction in Northern Ireland;
  - (b) where the defendant is aged under 18, any youth court in Northern Ireland;

“the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

“harm”, “child” and “vulnerable adult” each has the meaning given in section 122B(1).”

#### *Service courts*

- 7 (1) Section 137 of the Sexual Offences Act 2003 (service courts) is amended as follows.
- (2) In subsection (2), for “104(1)” there is substituted “103A(1)”.
- (3) For subsection (3) there is substituted—

“(3) Where the court making a sexual harm prevention order is a service court—

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- (a) sections 103A(3) to (9), 103F and 103J do not apply;
  - (b) sections 103A(1) and (2), 103B to 103E and 103G to 103I apply—
    - (i) subject to paragraphs (c) and (d), and
    - (ii) as if they extended to the whole of the United Kingdom;
  - (c) in relation to an application under section 103E in respect of a defendant who at the time of the application is a person subject to service law or a civilian subject to service discipline—
    - (i) the application may be made only by the defendant or a Provost Martial, and must be made to the Court Martial;
    - (ii) consent under section 103E(7) must be the consent of the defendant and a Provost Martial;
    - (iii) an appeal against the making of an order under section 103E, or the refusal to make such an order, must be made to the Court Martial Appeal Court;
  - (d) in relation to an application under section 103E in respect of a defendant who at the time of the application is neither a person subject to service law nor a civilian subject to service discipline—
    - (i) the application must be made to the Crown Court in England and Wales;
    - (ii) an appeal against the making of an order under section 103E, or the refusal to make such an order, must be made to the Court of Appeal in England and Wales.”
- (4) In subsection (4)—
- (a) for “section “service court” means” there is substituted “section—  
 “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006 (see section 370 of that Act);  
 “service court” means”;
  - (b) at the end there is inserted—  
 ““subject to service law” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).”
- (5) After subsection (5) there is inserted—
- “(6) Paragraphs (c)(i) and (d)(i) of subsection (3) have effect, in relation to a sexual harm prevention order made by the Court Martial Appeal Court, as if the reference to a service court in that subsection included a reference to that court.”

## SCHEDULE 6

Section 115

### AMENDMENTS OF PART 2A OF THE SEXUAL OFFENCES ACT 2003

- 1 Part 2A of the Sexual Offences Act 2003 (closure orders) is amended as follows.
- 2 (1) Section 136A (meaning of specified prostitution offence etc) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) the words “section 47 of this Act or” are omitted;
  - (b) in paragraph (b) the words “section 48 of this Act, or” are omitted;

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- (c) in paragraph (c) the words “section 49 of this Act, or” are omitted;
- (d) in paragraph (d) the words “section 50 of this Act, or” are omitted.

(3) In subsection (3)—

- (a) in paragraph (a) the words “section 48 of this Act, or” are omitted;
- (b) in paragraph (b) the words “section 49 of this Act, or” are omitted;
- (c) in paragraph (c) the words “section 50 of this Act, or” are omitted.

(4) After that subsection there is inserted—

“(3A) The specified child sex offences are—

- (a) an offence under any of the following sections of this Act—
  - sections 5 to 13;
  - sections 16 to 19;
  - sections 25 and 26;
  - sections 47 to 50;
- (b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);
- (c) an offence under any of the following sections of this Act committed against a person under 18—
  - sections 1 to 4;
  - sections 30 to 41;
  - section 59A;
  - section 61;
  - sections 66 and 67.”

(5) In subsection (4)(a)—

- (a) the words “section 47 of this Act or” are omitted;
- (b) the words “subsection (1)(a) of that section or, as the case may be,” are omitted.

(6) After subsection (5) there is inserted—

“(5A) Premises are being used for activities related to a specified child sex offence at any time when the premises are used—

- (a) to commit the offence, or
- (b) for activities intended to arrange or facilitate the commission of the offence.”

3 In section 136B (power to authorise issue of closure notice), in the heading, for “**notice**” there is substituted “**notice: prostitution or pornography offences**”.

4 After that section there is inserted—

**“136BA Power to authorise issue of closure notice: child sex offences in England and Wales**

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may authorise the issue of a closure notice in respect of any premises in England and Wales if three conditions are met.
- (2) The first condition is that the officer has reasonable grounds for believing that—

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- (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or
  - (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.
- (3) In subsection (2)(a), “the relevant period” means the period of 3 months ending with the day on which the officer is considering whether to authorise the issue of the notice.
- (4) The second condition is that the officer has reasonable grounds for believing that the making of a closure order under section 136D is necessary to prevent the premises being used for activities related to one or more specified child sex offences.
- (5) For the purposes of the second condition, it does not matter whether the officer believes that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (6) The third condition is that the officer is satisfied that reasonable efforts have been made—
- (a) to consult the local authority for the area in which the premises are situated, and
  - (b) to establish the identity of any person who resides on the premises or who has control of or responsibility for or an interest in the premises.
- (7) If the local authority has not been consulted when the notice is issued, it must be consulted as soon as possible afterwards.
- (8) An authorisation under subsection (1) may be given orally or in writing, but if it is given orally the authorising officer must confirm it in writing as soon as it is practicable.
- (9) The issue of a closure notice may be authorised whether or not a person has been convicted of any specified child sex offence that the authorising officer believes has been committed.
- (10) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.”
- 5 (1) Section 136C (contents and service of closure notice) is amended as follows.
- (2) In subsection (1)(c), after “section 136B” there is inserted “or 136BA”.
- (3) In subsection (3)(d), after “section 136B(7)(b)” there is inserted “or 136BA(6)(b)”.
- 6 (1) Section 136D (power to make a closure order) is amended as follows.
- (2) In subsection (5), for “either subsection (6) or subsection (7) (or both)” there is substituted “at least one of subsections (6), (7) and (7A)”.
- (3) After subsection (7) there is inserted—
- “(7A) This subsection applies if—
- (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or

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- (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.”
- (4) In subsection (8), for “subsections (6) and (7)” there is substituted “subsections (6), (7) and (7A)(a)”.
- (5) In subsection (9), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- (6) In subsection (10)(a), after “section 136B(7)(b)” there is inserted “or 136BA(6)(b)”.
- (7) In subsection (12), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 7 In section 136H (applications for extension of closure order), in subsection (4), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 8 In section 136I (orders extending closure orders), in subsection (2), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 9 In section 136J (discharge of closure order), in subsection (3), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 10 In section 136O (compensation), in subsection (5)(a), after “section 136B” there is inserted “or 136BA”.
- 11 (1) Section 136R (interpretation) is amended as follows.
- (2) In subsection (2), after “section 136B” there is inserted “or 136BA”.
- (3) After subsection (14) there is inserted—
- “(15) In the application of this Part to England and Wales, references to specified pornography offences are to be ignored.
- (16) “Specified child sex offence” means an offence listed in section 136A(3A).
- (17) In the application of this Part to Northern Ireland, references to specified child sex offences and to section 136BA are to be ignored.”

SCHEDULE 7

Section 132

SCHEDULE TO BE INSERTED AS SCHEDULE 4B TO THE POLICE ACT 1996

“SCHEDULE 4B

Section 64A

THE POLICE REMUNERATION REVIEW BODY

**Interpretation**

- 1 In this Schedule “review body” means the Police Remuneration Review Body.

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### **Members of the review body**

- 2 The Secretary of State shall determine how many members the review body should have and what kinds of experience the members should possess.
- 3 Members shall hold and vacate office in accordance with the terms of their appointment.
- 4 Members shall adhere to any statement of principles issued by the Secretary of State as to their conduct as members.

### **Resignation of members**

- 5 (1) The chair of the review body may resign by giving written notice to the Prime Minister.  
(2) Resignation may be either—
  - (a) as chair, or
  - (b) as both chair and member.
- 6 (1) The deputy chair of the review body may resign by giving written notice to the Secretary of State.  
(2) Resignation may be either—
  - (a) as deputy chair, or
  - (b) as both deputy chair and member.
- 7 A member other than the chair or deputy chair may resign by giving written notice to the Secretary of State.

### **Dismissal of members**

- 8 (1) The Prime Minister may by written notice dismiss the chair on the ground that—
  - (a) the chair has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986) or has made an arrangement with creditors;
  - (b) in the opinion of the Prime Minister the chair is unable, unfit or unwilling to perform—
    - (i) the functions of chair, or
    - (ii) the functions of a member.  
(2) Dismissal may be either—
  - (a) as chair, or
  - (b) as both chair and member (but only if sub-paragraph (1)(a) or (b)(ii) applies).
- 9 (1) The Secretary of State may by written notice dismiss the deputy chair on the ground that—
  - (a) the deputy chair has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986) or has made an arrangement with creditors;
  - (b) in the opinion of the Secretary of State the deputy chair is unable, unfit or unwilling to perform—
    - (i) the functions of deputy chair, or

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(ii) the functions of a member.

(2) Dismissal may be either—

- (a) as deputy chair, or
- (b) as both deputy chair and member (but only if sub-paragraph (1)(a) or (b) (ii) applies).

10 The Secretary of State may by written notice dismiss a member other than the chair or deputy chair on the ground that—

- (a) the member has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986) or has made an arrangement with creditors, or
- (b) in the opinion of the Secretary of State the member is unable, unfit or unwilling to perform the functions of a member.

### **Procedure**

11 (1) Subject to sub-paragraph (2), the review body shall determine its own procedure.

(2) The Secretary of State may give directions to the review body as to its procedure, including in particular directions about—

- (a) the persons from whom the review body is to obtain evidence;
- (b) the procedure for obtaining evidence.

(3) The validity of proceedings of the review body is not affected by—

- (a) a vacancy in its membership (including a vacancy in the position of chair);
- (b) a defect in a person's appointment.

### **Matters to be considered**

12 The Secretary of State may give directions to the review body about the matters that it is to consider when making decisions.

### **Consultation**

13 (1) The Secretary of State shall consult with the persons and bodies listed in sub-paragraph (2), and any others that the Secretary of State thinks fit, before—

- (a) making or revising a determination under paragraph 2;
- (b) issuing or revising a statement of principles under paragraph 4;
- (c) giving or revising a direction under paragraph 11(2) or 12.

(2) The persons and bodies are—

- (a) the Department of Justice in Northern Ireland;
- (b) persons whom the Secretary of State considers to represent the views of chief officers of police and of the Chief Constable of the Police Service of Northern Ireland;
- (c) persons whom the Secretary of State considers to represent the interests of members of police forces;
- (d) persons whom the Secretary of State considers to represent the interests of members of the Police Service of Northern Ireland;



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- (e) persons whom the Secretary of State considers to represent the views of the persons and bodies who between them maintain the police forces in England and Wales;
  - (f) the Northern Ireland Policing Board.
- (3) The Minister shall consult with the Department of Justice in Northern Ireland before exercising a power of dismissal under paragraph 8, 9 or 10.

### Publication

- 14 The Secretary of State shall arrange for the publication of—
- (a) a statement of any determination made under paragraph 2 (and of any revised determination);
  - (b) any statement of principles issued under paragraph 4 (and any revised statement);
  - (c) any direction given under paragraph 11(2) or 12 (and any revised direction).

### Money

- 15 The Secretary of State or the Department of Justice in Northern Ireland—
- (a) may defray expenses incurred by the review body;
  - (b) may pay remuneration and allowances to members;
  - (c) may make payments to or in respect of a member by way of or in connection with—
    - (i) a pension;
    - (ii) an allowance or gratuity on retirement or death;
  - (d) may pay compensation to a person who ceases to be a member if it seems to the Secretary of State or the Department to be right to do so by reason of special circumstances.”

## SCHEDULE 8

Section 147

### POWERS TO SEIZE INVALID PASSPORTS ETC

#### Interpretation

- 1 (1) In this Schedule “examining officer” means—
- (a) a constable,
  - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971, or
  - (c) a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009.
- (2) In this Schedule “travel document” means anything that is, or appears to be, a passport or other document which—
- (a) has been issued by or for Her Majesty’s Government, or the government of another state, and
  - (b) enables or facilitates travel from one state to another.

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- (3) For the purposes of this Schedule a travel document is “invalid” if—
- (a) it has been cancelled,
  - (b) it has expired,
  - (c) it was not issued by the government or authority by which it purports to have been issued, or
  - (d) it has undergone an unauthorised alteration.
- (4) In this Schedule “port” means—
- (a) an airport,
  - (b) a sea port,
  - (c) a hoverport,
  - (d) a heliport,
  - (e) a railway station where passenger trains depart for, or arrive from, places outside the United Kingdom, or
  - (f) any other place at which a person is able, or attempting, to get on or off any craft, vessel or vehicle in connection with entering or leaving Great Britain or Northern Ireland.

*Powers of search and seizure etc: ports*

- 2 (1) An examining officer may exercise any of the powers under this paragraph in the case of a person at a port whom the officer believes to be there in connection with—
- (a) entering or leaving Great Britain or Northern Ireland, or
  - (b) travelling by air within Great Britain or within Northern Ireland.
- (2) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the examining officer;
  - (b) to search for travel documents and to take possession of any that the officer finds;
  - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
  - (d) (subject to paragraph 4) to retain any travel document taken from the person that the examining officer believes to be invalid.
- (3) The power under sub-paragraph (2)(b) is a power to search—
- (a) the person;
  - (b) anything that the person has with him or her;
  - (c) any vehicle in which the examining officer believes the person to have been travelling or to be about to travel.
- (4) An examining officer—
- (a) may stop a person or vehicle for the purposes of exercising a power under this paragraph;
  - (b) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
  - (c) may authorise a person to carry out on the officer’s behalf a search under this paragraph.

*Powers of search and seizure etc: constables*

- 3 (1) A constable may exercise any of the powers under this paragraph, at a place that is not a port, in the case of a person whom the constable reasonably believes to be in possession of a passport to which this paragraph applies.
- (2) This paragraph applies to a passport if—
- (a) the passport was issued by or for Her Majesty's Government,
  - (b) the Secretary of State has cancelled the passport on the basis that the person to whom it was issued has or may have been, or will or may become, involved in activities so undesirable that it is contrary to the public interest for the person to have access to passport facilities, and
  - (c) the passport is specified in an authorisation issued by the Secretary of State for the use of the powers under this paragraph.
- (3) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the constable;
  - (b) to search for travel documents and to take possession of any that the constable finds;
  - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
  - (d) (subject to paragraph 4) to retain any travel document taken from the person that the constable believes to be invalid.
- (4) The power under sub-paragraph (3)(b) is a power to search—
- (a) the person;
  - (b) anything that the person has with him or her;
  - (c) any vehicle in which the constable believes the person to have been travelling or to be about to travel;
  - (d) any premises on which the constable is lawfully present.
- (5) A constable—
- (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
  - (b) may authorise a person to carry out on the constable's behalf a search under this paragraph.

*Retention or return of documents seized*

- 4 (1) If a travel document is retained under paragraph 2(2)(c) or 3(3)(c) while its validity is checked, the checking must be carried out as soon as possible.
- (2) If it is established that a travel document taken from a person under paragraph 2 or 3—
- (a) is valid, or
  - (b) is invalid only because it has expired,
- it must be returned to the person straight away.
- (3) A travel document taken from a person under paragraph 2 or 3 must be returned to the person before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.

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- (4) A requirement under sub-paragraph (2)(b) or (3) to return an expired travel document does not apply where the officer concerned reasonably believes that the person from whom he or she took the document, or some other person, intends to use it for purposes for which it is no longer valid.
- (5) A requirement under sub-paragraph (2) or (3) to return a travel document has effect subject to any provision not in this Schedule under which the document may be lawfully retained.

### *Offences*

- 5 (1) A person who is required under paragraph 2(2)(a) or 3(3)(a) to hand over all travel documents in the person's possession commits an offence if he or she fails without reasonable excuse to do so.
- (2) A person who intentionally obstructs, or seeks to frustrate, a search under paragraph 2 or 3 commits an offence.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction—
  - (a) to imprisonment for a term not exceeding 6 months, or
  - (b) to a fine, which in Scotland or Northern Ireland may not exceed £5,000, or to both.
- 6 An examining officer, other than a constable, exercising a power under paragraph 2 has the same powers of arrest without warrant as a constable in relation to an offence under—
  - (a) paragraph 5, or
  - (b) section 4 or 6 of the Identity Documents Act 2010.

## SCHEDULE 9

Section 148

### PORT AND BORDER CONTROLS

#### *Examining officers*

- 1 (1) Schedule 7 to the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 1(1)(b), after “officer” there is inserted “who is designated for the purpose of this Schedule by the Secretary of State”.
- (3) After paragraph 1 there is inserted—

#### *“Examining officers etc*

- 1A (1) The Secretary of State must under paragraph 6 of Schedule 14 issue a code of practice about—
  - (a) training to be undertaken by constables, immigration officers and customs officers who are to act as examining officers or exercise other functions under this Schedule, and
  - (b) the procedure for making designations under paragraph 1(1)(b) and (c).

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- (2) In particular, the code must make provision for consultation with the relevant chief officer of police before designations are made under paragraph 1(1)(b) or (c).
- (3) “Relevant chief officer of police” means—
  - (a) in England and Wales, the chief officer of police for the police area in which the persons designated would act as examining officers,
  - (b) in Scotland, the Chief Constable of the Police Service of Scotland, and
  - (c) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.”

*Time limits on examination without detention and on detention*

- 2 (1) Schedule 7 to the Terrorism Act 2000 is amended as follows.
- (2) Paragraph 6(4) is repealed.
- (3) After paragraph 6 there is inserted—
  - “6A (1) This paragraph applies where a person is questioned under paragraph 2 or 3.
  - (2) After the end of the 1 hour period, the person may not be questioned under either of those paragraphs unless the person is detained under paragraph 6.
  - (3) If the person is detained under paragraph 6 the person must be released not later than the end of the 6 hour period (unless detained under another power).
  - (4) In this paragraph—
    - “the 1 hour period” is the period of 1 hour beginning with the time the person is first questioned under paragraph 2 or 3;
    - “the 6 hour period” is the period of 6 hours beginning with that time.”

*Powers to search persons*

- 3 In paragraph 8 of Schedule 7 to the Terrorism Act 2000, after sub-paragraph (3) there is inserted—
  - “(4) An intimate search of a person may not be carried out under this paragraph.
  - (5) A strip search of a person may not be carried out under this paragraph unless—
    - (a) the person is detained under paragraph 6,
    - (b) the examining officer has reasonable grounds to suspect that the person is concealing something which may be evidence that the person falls within section 40(1)(b), and
    - (c) the search is authorised by a senior officer who has not been directly involved in questioning the person.

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- (6) “Senior officer” means—
- (a) where the examining officer is a constable, a constable of a higher rank than the examining officer,
  - (b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
  - (c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.
- (7) In this paragraph—
- “intimate search” means a search which consists of a physical examination of a person’s body orifices other than the mouth;
  - “strip search” means a search which is not an intimate search but involves the removal of an article of clothing which—
    - (a) is being worn wholly or partly on the trunk, and
    - (b) is being so worn either next to the skin or next to an article of underwear.”

*Power to make and retain copies*

4 In Schedule 7 to the Terrorism Act 2000, after paragraph 11 there is inserted—

*“Power to make and retain copies*

- 11A (1) This paragraph applies where the examining officer is a constable.
- (2) The examining officer may copy anything which—
- (a) is given to the examining officer in accordance with paragraph 5,
  - (b) is searched or found on a search under paragraph 8, or
  - (c) is examined under paragraph 9.
- (3) The copy may be retained—
- (a) for so long as is necessary for the purpose of determining whether a person falls within section 40(1)(b),
  - (b) while the examining officer believes that it may be needed for use as evidence in criminal proceedings, or
  - (c) while the examining officer believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the Immigration Act 1971.”

*Right of person detained under Schedule 7 to have someone informed and to consult a solicitor*

- 5 (1) Schedule 8 to the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 1(5) (definition of examining officer) for “paragraph” there is substituted “Schedule”.
- (3) In paragraph 2(2)(d), the words “(within the meaning of that Schedule)” are omitted.
- (4) In paragraph 6, for “police station”, in each place, there is substituted “place”.

- (5) In paragraph 7(1) the words “at a police station” are omitted.
- (6) After paragraph 7 there is inserted—
- “7A (1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.
- (2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).
- (3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.
- (4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).
- (5) The detained person is entitled to consult a solicitor in person.
- (6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.
- (7) In that case the examining officer may require any consultation to take place in another way.
- (8) In this paragraph “the relevant matters” means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.”
- (7) In paragraph 8(1), for “an officer” there is substituted “a police officer”.
- (8) In paragraph 9(2)(a) and (b)—
- (a) the words “at a police station” are omitted;
- (b) for “an officer” there is substituted “a police officer”.
- (9) In paragraph 16—
- (a) in sub-paragraphs (1) and (3), in each place, for “police station” there is substituted “place”;
- (b) in sub-paragraph (6), after “detained” there is inserted “as mentioned in sub-paragraph (1)”.
- (10) After paragraph 16 there is inserted—
- “16A (1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.
- (2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).
- (3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.

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- (4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).
  - (5) The detained person is entitled to consult a solicitor in person.
  - (6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.
  - (7) In that case the examining officer may require any consultation to take place in another way.
  - (8) In this paragraph “the relevant matters” means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.”
- (11) In paragraph 17(1)—
- (a) for “An officer” there is substituted “A police officer”;
  - (b) after “uniformed” there is inserted “police”.
- (12) In paragraph 18—
- (a) in sub-paragraph (1), for “and” there is substituted “to”;
  - (b) in sub-paragraph (2), for “police station” there is substituted “place”;
  - (c) after sub-paragraph (2) there is inserted—
    - “(3) In relation to a person detained under Schedule 7 at a place other than a police station—
    - (a) sub-paragraph (2), and
    - (b) section 15(4) of the Criminal Procedure (Scotland) Act 1995 as applied by that sub-paragraph,apply as if references to a constable included an examining officer.”

### *Biometrics*

- 6 (1) Paragraph 10 of Schedule 8 to the Terrorism Act 2000 is amended as follows.
- (2) In sub-paragraph (5), for “the detained person only” there is substituted “a person detained under section 41, but only”.
  - (3) In sub-paragraph (6)(b), after “in any case” there is inserted “in which an authorisation under that sub-paragraph may be given”.

### *Review of detention under Schedule 7*

- 7 (1) The Terrorism Act 2000 is amended as follows.
- (2) In paragraph 6(3) of Schedule 7 (provisions of Schedule 8 applying to detention under Schedule 7)—
    - (a) for “Part I” there is substituted “Parts 1 and 1A”;
    - (b) after “treatment” there is inserted “and review of detention”.
  - (3) In Schedule 8, after Part 1 there is inserted—



## “PART 1A

### REVIEW OF DETENTION UNDER SCHEDULE 7

#### **20K General requirements**

- (1) A person’s detention under Schedule 7 must be periodically reviewed by a review officer.
- (2) The first review must be carried out before the end of the period of one hour beginning with the person’s detention under that Schedule.
- (3) Subsequent reviews must be carried out at intervals of not more than two hours.
- (4) The review officer may authorise a person’s continued detention under Schedule 7 only if satisfied that it is necessary for the purposes of exercising a power under paragraph 2 or 3 of that Schedule.
- (5) If on a review under this paragraph the review officer does not authorise a person’s continued detention, the person must be released (unless detained under another power).
- (6) In this Part of this Schedule “review officer” means a senior officer who has not been directly involved in questioning the detained person under paragraph 2 or 3 of Schedule 7.
- (7) “Senior officer” means—
  - (a) where the examining officer is a constable, a constable of a higher rank than the examining officer,
  - (b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
  - (c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.
- (8) The Secretary of State must under paragraph 6 of Schedule 14 issue a code of practice about reviews under this Part of this Schedule.
- (9) The code of practice must include provision about training to be undertaken by persons who are to act as review officers.

#### **20L Representations**

- (1) Before determining whether to authorise a person’s continued detention, a review officer must give either of the following persons an opportunity to make representations about the detention—
  - (a) the detained person, or
  - (b) a solicitor representing the detained person who is available at the time of the review.
- (2) Representations may be oral or written.

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- (3) A review officer may refuse to hear oral representations from the detained person if the officer considers that the detained person is unfit to make representations because of the detained person's condition or behaviour.

### **20M Rights**

- (1) Where a review officer authorises continued detention the officer must inform the detained person—
- (a) of any of the detained person's rights under paragraphs 6 and 7 which have not yet been exercised, and
  - (b) if the exercise of any of those rights is being delayed in accordance with the provisions of paragraph 8, of the fact that it is being delayed.
- (2) Where a review of a person's detention is being carried out at a time when the person's exercise of a right under paragraph 6 or 7 is being delayed—
- (a) the review officer must consider whether the reason or reasons for which the delay was authorised continue to subsist, and
  - (b) if in the review officer's opinion the reason or reasons have ceased to subsist, the review officer must inform the officer who authorised the delay of that opinion (unless the review officer was that officer).
- (3) In the application of this paragraph to Scotland, for the references to paragraphs 6, 7 and 8 substitute references to paragraph 16.

### **20N Record**

- (1) A review officer carrying out a review must make a written record of the outcome of the review and of any of the following which apply—
- (a) the fact that the officer is satisfied that continued detention is necessary for the purposes of exercising a power under paragraph 2 or 3 of Schedule 7,
  - (b) the fact that the detained person has been informed as required under paragraph 20M(1),
  - (c) the officer's conclusion on the matter considered under paragraph 20M(2)(a), and
  - (d) the fact that the officer has taken action under paragraph 20M(2)(b).
- (2) The review officer must inform the detained person whether the officer is authorising continued detention, and if so that the officer is satisfied that continued detention is necessary for the purposes of exercising a power under paragraph 2 or 3 of Schedule 7.
- (3) Sub-paragraph (2) does not apply where the detained person is—
- (a) incapable of understanding what is said,
  - (b) violent or likely to become violent, or
  - (c) in urgent need of medical attention."

### *Codes of practice*

- 8 (1) Schedule 14 to the Terrorism Act 2000 (exercise of powers—codes of practice etc) is amended as follows.

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- (2) In paragraph 1, after ““officer” means” there is inserted “(subject to paragraph 6A)”.
- (3) After paragraph 6 there is inserted—
- “6A In paragraphs 5 and 6, “officer” includes a constable, immigration officer or customs officer who—
- (a) has functions under Schedule 7, or
  - (b) has functions under Schedule 8 in relation to a person detained under Schedule 7,
- otherwise than as an examining officer.”

## SCHEDULE 10

Section 152

### POWERS OF COMMUNITY SUPPORT OFFICERS

#### *Introduction*

- 1 Part 1 of Schedule 4 to the Police Reform Act 2002 (powers of community support officers) is amended as follows.

#### *Additional powers to issue fixed penalty notices*

- 2 (1) In paragraph 1 (powers to issue fixed penalty notices), in sub-paragraph (2)(b), for the words after “in respect of an offence” there is substituted “listed in sub-paragraph (2B)”.
- (2) In sub-paragraph (2) of that paragraph, after paragraph (ca) there is inserted—
- “(cb) the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in respect of an offence under section 38(1) of the London Local Authorities Act 1990 or section 27(1) of the City of Westminster Act 1999 (unlicensed street trading);”.
- (3) After sub-paragraph (2A) of that paragraph there is inserted—
- “(2B) The offences referred to in sub-paragraph (2)(b) are—
- (a) an offence under section 72 of the Highway Act 1835 (riding on a footway) committed by cycling;
  - (b) an offence under section 5(1) or 8(1) of the Road Traffic Regulation Act 1984 involving a contravention of a prohibition or restriction that relates to—
    - (i) stopping, waiting or parking at or near a school entrance,
    - (ii) one-way traffic on a road, or
    - (iii) lanes or routes for use only by cycles, only by buses or only by cycles and buses;
  - (c) an offence under section 24 of the Road Traffic Act 1988 (more than one person on a one-person bicycle);
  - (d) an offence under section 35 of that Act (failing to comply with traffic directions) committed by the rider of a cycle;

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- (e) an offence under section 36 of that Act (failing to comply with traffic signs) committed by the rider of a cycle who fails to comply with the indication given by a red traffic light;
- (f) an offence under section 42 of that Act of contravening or failing to comply with a construction or use requirement about—
  - (i) lighting equipment or reflectors for cycles,
  - (ii) the use on a road of a motor vehicle in a way that causes excessive noise,
  - (iii) stopping the action of a stationary vehicle’s machinery,
  - (iv) the use of a vehicle’s horn on a road while the vehicle is stationary or on a restricted road at night, or
  - (v) opening a vehicle’s door on a road so as to injure or endanger a person;
- (g) an offence under section 163 of that Act (failing to stop vehicle or cycle when required to do so by constable or traffic officer).”

(4) After sub-paragraph (4) of that paragraph there is inserted—

“(5) In this paragraph “cycle” has the same meaning as in the Road Traffic Act 1988 (see section 192(1) of that Act).”

*Powers to issue fixed penalty notices: consultation with local authorities*

3 In paragraph 1, after sub-paragraph (2B) (inserted by paragraph 2(3) above) there is inserted—

“(2C) Before a chief officer of police makes a designation applying this paragraph to any person and specifying or describing an offence listed in sub-paragraph (2B)(b)(i), the officer shall consult every local authority any part of whose area lies within the officer’s police area.

(2D) In paragraph (2C) “local authority” means—

- (a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and
- (b) in relation to Wales, a county council or a county borough council.”

*General power of seizure*

4 After paragraph 2A there is inserted—

*“General power of seizure*

2B Where a designation applies this paragraph to any person—

- (a) that person shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
- (b) that person shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;

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- (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
- (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
- (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
  - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.”

*Powers with regard to charity collectors*

5 After paragraph 3A there is inserted—

*“Power to require name and address etc: charity collectors*

- 3B Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable—
- (a) under section 6 of the House to House Collections Act 1939 to require a person to give his name and address and to sign his name; and
  - (b) under regulations under section 4 of that Act to require a person to produce his certificate of authority.”

*Power to stop cycles*

6 In paragraph 11A (power to stop cycles), in sub-paragraph (2), for the words after “has committed an offence” there is substituted “listed in paragraph 1(2B)(a) to (e), (f)(i) or (g)”.

## SCHEDULE 11

Section 181

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

##### AMENDMENTS RELATING TO PARTS 1 TO 6

##### *Magistrates' Courts Act 1980 (c. 43)*

- 1 In section 143(2) of the Magistrates' Courts Act 1980 (provisions in which sums may be altered) paragraph (da) is omitted.

##### *Housing Act 1980 (c. 51)*

- 2 In Schedule 9 to the Housing Act 1980 (provisions relating to housing association and housing trust tenancies under Rent Act 1977), in paragraph 5, after “83” there is inserted “or 83ZA”.

##### *Highways Act 1980 (c. 66)*

- 3 Sections 129A to 129G of the Highways Act 1980 (restriction of rights over highway) are repealed.

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

- 4 In section 64A of the Police and Criminal Evidence Act 1984 (photographing of suspects etc), for paragraph (ca) of subsection (1B) there is substituted—  
“(ca) given a direction by a constable under section 35 of the Anti-social Behaviour, Crime and Policing Act 2014;”.

##### *Prosecution of Offences Act 1985 (c. 23)*

- 5 (1) In section 3 of the Prosecution of Offences Act 1985 (functions of DPP), subsection (2) is amended as follows.
  - (2) In paragraph (fa), for the words from “section 1C” to “proceedings” there is substituted “section 22 of the Anti-social Behaviour, Crime and Policing Act 2014 (criminal behaviour orders made on conviction)”.
  - (3) In paragraph (fb)—
    - (a) for “section 1CA(3) of the Crime and Disorder Act 1998” there is substituted “section 27 of the Anti-social Behaviour, Crime and Policing Act 2014”;
    - (b) for “section 1C” there is substituted “section 22”.
  - (4) In paragraph (fc)—
    - (a) for “section 1CA” there is substituted “section 27”;
    - (b) for “section 1C” there is substituted “section 22”.
  - (5) Paragraphs (fd) and (fe) are omitted.

*Housing Act 1985 (c. 68)*

- 6 (1) Section 82A of the Housing Act 1985 (demotion because of anti-social behaviour) is amended as follows.
- (2) In subsection (4)(a), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
- (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) For subsection (7A) there is substituted—
- “(7A) In subsection (4)(a)(ii) “housing accommodation” includes—
- (a) flats, lodging-houses and hostels;
- (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
- (c) any common areas used in connection with the accommodation.”
- 7 (1) Section 83 of that Act (proceedings for possession or termination: notice requirements) is amended as follows.
- (2) In the heading, after “**termination:**” there is inserted “**general**”.
- (3) Before subsection (1) there is inserted—
- “(A1) This section applies in relation to proceedings for an order mentioned in section 82(1A) other than—
- (a) proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2, or
- (b) proceedings for possession of a dwelling-house under section 107D (recovery of possession on expiry of flexible tenancy).”
- (4) In subsection (1), for the words from “proceedings for” to “tenancy),” there is substituted “proceedings to which this section applies”.
- 8 (1) Section 83A of that Act (additional requirements in relation to certain proceedings for possession) is amended as follows.
- (2) In subsection (2)(a), after “83” there is inserted “or 83ZA”.
- (3) In subsection (2)(b), for “subsection (4)(a) of that section” there is substituted “section 83(4)(a) or section 83ZA(9)(a)”.
- (4) In subsection (3)(a), after “83” there is inserted “or 83ZA”.
- (5) In subsection (4)(a), after “83” there is inserted “or 83ZA”.
- (6) In subsection (5)—
- (a) for “the notice” there is substituted “a notice”;
- (b) after “83” there is inserted “or a notice is served under section 83ZA”.

- 9 (1) Section 84 of that Act (grounds and orders for possession) is amended as follows.
- (2) In subsection (1), after “in accordance with” there is inserted “section 84A (absolute ground for possession for anti-social behaviour) or”.
- (3) In subsection (2)(a), for “that Schedule” there is substituted “Schedule 2”.
- (4) In subsection (3)—
- (a) after “83” there is inserted “or 83ZA”;
  - (b) for “such an order on any of those grounds above” there is substituted “an order on any of the grounds mentioned in subsection (2)”.
- 10 In the heading of section 85A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 11 (1) Section 121A of that Act (order suspending right to buy because of anti-social behaviour) is amended as follows.
- (2) In subsection (3)(a), for sub-paragraphs (i) and (ii) there is substituted—
- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
  - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) In subsection (7)(a), for sub-paragraphs (i) and (ii) there is substituted—
- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
  - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (4) For subsection (10) there is substituted—
- “(10) In this section “housing accommodation” includes—
    - (a) flats, lodging-houses and hostels;
    - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
    - (c) any common areas used in connection with the accommodation.”
- 12 (1) In Schedule 1 to that Act (tenancies which are not secure tenancies), paragraph 4ZA (family intervention tenancies) is amended as follows.
- (2) In sub-paragraph (3)(a)—
- (a) in the opening words, for “possession order under section 84” there is substituted “relevant possession order”;
  - (b) in sub-paragraph (i) the words “, on ground 2 or 2A of Part 1 of Schedule 2” are omitted.
- (3) In sub-paragraph (12), after the definition of “the new tenant” there is inserted—
- ““relevant possession order” means—



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- (a) a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2, or
  - (b) a possession order under section 84A;”.
- 13 In Part 5 of Schedule 2 to that Act (approval of redevelopment schemes for purposes of Ground 10A), in paragraph 5(3), after “83” there is inserted “or 83ZA”.
- 14 In Schedule 3 to that Act (grounds for withholding consent to assignment by way of exchange), in Ground 2, after “83” there is inserted “or 83ZA”.
- 15 (1) In that Schedule, Ground 2A is amended as follows.
- (2) In paragraph (a), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
  - (3) In paragraph (b), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
  - (4) In the definition of “relevant order”—
    - (a) the word “or” before the final entry is omitted;
    - (b) in the final entry, after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
    - (c) at the end there is inserted—
      - “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;
      - an order under section 22 of that Act.”
  - (5) After the definition of “relevant order” there is inserted—
    - “An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.”
  - (6) After the definition of “demotion order” there is inserted—
    - “A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
  - (7) The definition of a “Ground 2 or 14 possession order” is omitted.
- 16 After Ground 2A in that Schedule there is inserted—
- “Ground 2B*
- The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

*Housing Act 1988 (c. 50)*

- 17 (1) Section 6A of the Housing Act 1988 (demotion because of anti-social behaviour) is amended as follows.
- (2) In subsection (4), for paragraph (a) there is substituted—
    - “(a) that the tenant or a person residing in or visiting the dwelling-house has engaged or has threatened to engage in—

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- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
  - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) After subsection (10) there is inserted—
  - “(10A) In subsection (4)(a)(ii) “housing accommodation” includes—
    - (a) flats, lodging-houses and hostels;
    - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
    - (c) any common areas used in connection with the accommodation.”
- 18 (1) Section 7 of that Act (orders for possession) is amended as follows.
  - (2) In subsection (3), after “below” there is inserted “(and to any available defence based on the tenant’s Convention rights, within the meaning of the Human Rights Act 1998)”.
  - (3) In subsection (5A)(a), for “and 5” there is substituted “, 5 and 7A”.
  - (4) In subsection (6)(a), after “Ground 2” there is inserted “, Ground 7A”.
- 19 In the heading of section 9A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 20 In Schedule 1 to that Act (tenancies which cannot be assured tenancies), in paragraph 12ZA (family intervention tenancies), in sub-paragraph (3)(a)(i), for “ground 14” there is substituted “ground 7A of Part 1 of Schedule 2 or ground 14, 14ZA”.

#### *Environmental Protection Act 1990 (c. 43)*

- 21 In the Environmental Protection Act 1990, sections 92 to 94A (litter abatement notices, litter clearing notices and street litter control notices) are repealed.

#### *Housing Act 1996 (c. 52)*

- 22 In the Housing Act 1996, sections 153A to 158 and Schedule 15 (injunctions against housing-related anti-social behaviour) are repealed.
- 23 In section 218A of that Act (anti-social behaviour: landlords’ policies and procedures), for subsections (8) and (8A) there is substituted—
  - “(8) Anti-social behaviour is—
    - (a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
    - (b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.”

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*Crime and Disorder Act 1998 (c. 37)*

- 24 The following provisions of the Crime and Disorder Act 1998 are repealed—
- (a) sections 1 to 1K (anti-social behaviour orders etc);
  - (b) section 4 (appeals against orders);
  - (c) section 8A (parenting orders on breach of anti-social behaviour order).
- 25 (1) Section 8 of that Act (parenting orders) is amended as follows.
- (2) In subsection (1)(b), for “an anti-social behaviour order or” there is substituted “an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, an order is made under section 22 of that Act or a”.
  - (3) In subsection (1)(c) the words “, except in a case where section 8A below applies (parenting order on breach of anti-social behaviour order)” are omitted.
  - (4) In subsection (6)(a), for the words after “behaviour which led to” there is substituted “the order being made or the injunction granted”.
- 26 (1) Section 9 of that Act (parenting orders: supplemental) is amended as follows.
- (2) In subsection (1) the words “, other than an offence under section 1(10) above in respect of an anti-social behaviour order,” are omitted.
  - (3) In subsection (1B)—
    - (a) for “an anti-social behaviour order” there is substituted “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is granted or an order is made under section 22 of that Act”;
    - (b) after “which” there is inserted “grants the injunction or”.
  - (4) In subsection (2)—
    - (a) paragraph (d) and the word “or” before it are omitted;
    - (b) in the text after paragraph (d) the words “(including any report prepared under section 1(1C))” are omitted.
  - (5) Subsection (2AA) is repealed.
- 27 (1) Section 18 of that Act (interpretation etc) is amended as follows.
- (2) In subsection (1)—
    - (a) the definitions of “anti-social behaviour order” and “individual support order” are omitted;
    - (b) paragraph (za) of the definition of “responsible officer” is omitted.
  - (3) In subsection (4)—
    - (a) the words “an individual support order or” are omitted;
    - (b) for “the child, defendant or parent, as the case may be” there is substituted “the child or, as the case may be, the parent”.
- 28 In section 38 of that Act (local provision of youth justice services), in subsection (4) (f) the words “individual support orders,” are omitted.
- 29 In section 114 of that Act (orders and regulations), in subsection (2) “(1A), (1G)” is omitted.

*Criminal Justice and Police Act 2001 (c. 16)*

- 30 Sections 12 to 16 of the Criminal Justice and Police Act 2001 (alcohol consumption in designated public places) are repealed.

*Police Reform Act 2002 (c. 30)*

- 31 (1) Section 50 of the Police Reform Act 2002 (power of constable to require person acting in an anti-social manner to give name and address) is amended as follows.
- (2) In subsection (1) the words “(within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders))” are omitted.
- (3) After that subsection there is inserted—
- “(1A) In subsection (1) “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).”
- 32 In Part 1 of Schedule 4 to that Act (powers exercisable by community support officers), paragraph 1(2)(e) (powers to issue fixed penalty notices in respect of offences under dog control orders) and the word “and” before it are omitted.
- 33 In Schedule 5 to that Act (powers exercisable by accredited persons), in paragraph 1(2), paragraph (d) and the word “and” before it are omitted.

*Licensing Act 2003 (c. 17)*

- 34 Sections 161 to 166 of the Licensing Act 2003 (closure orders of identified premises) are repealed.
- 35 (1) Section 167 of that Act (review of premise licence following closure order) is amended as follows.
- (2) In subsection (1)(a), for “a closure order has come into force” there is substituted “a magistrates’ court has made a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.”.
- (3) In subsection (1)(b), for the words after “the relevant licensing authority has” there is substituted “accordingly received a notice under section 80(9) or 84(7) of that Act”.
- (4) In subsection (4)(a), for the words after “notice of” there is substituted “the review and of the order mentioned in subsection (1)(a)”.
- (5) In subsection (5)(a), for the words after “to consider” there is substituted “the order mentioned in subsection (1)(a) and any relevant representations”.
- 36 In section 168 of that Act (provisions about decisions under section 167), in subsections (3)(b) and (6)(b), for the words after “the premises to which the licence relates” there is substituted “are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014”.
- 37 Section 169 of that Act (enforcement of closure order) is repealed.
- 38 (1) Section 170 of that Act (exemption of police from liability for damages) is amended as follows.

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- (2) In subsection (1) the words “of his functions in relation to a closure order or any extension of it or” are omitted.
- (3) Paragraph (b) of subsection (2) is omitted.
- 39 (1) Section 171 of that Act (interpretation of Part 8) is amended as follows.
  - (2) In subsection (2), for “Relevant premises” there is substituted “Premises”.
  - (3) In subsection (3) the word “relevant” is omitted.
  - (4) In subsection (5)—
    - (a) in the definition of “appropriate person” the word “relevant” is omitted;
    - (b) the definitions of “closure order”, “extension”, “relevant magistrates’ court”, “relevant premises”, “responsible senior police officer” and “senior police officer” are omitted.
- 40 In Schedule 3 to that Act (matters to be entered in licensing register), for the words after “any notice given to it under” in paragraph (z) there is substituted “section 80(9) or 84(7) of the Anti-social Behaviour, Crime and Policing Act 2014 (notification by court of closure order)”.

*Anti-social Behaviour Act 2003 (c. 38)*

- 41 The following provisions of the Anti-social Behaviour Act 2003 are repealed—
  - (a) Part 1 (closure of premises where drugs used unlawfully);
  - (b) Part 1A (closure of premises associated with persistent disorder or nuisance);
  - (c) Part 4 (dispersal of groups etc);
  - (d) sections 40 and 41 (closure of noisy premises);
  - (e) sections 48 to 52 (removal of graffiti and fly-posting) and the cross-heading before section 48.

*Clean Neighbourhoods and Environment Act 2005 (c. 16)*

- 42 Sections 55 to 64, 66 and 67 of the Clean Neighbourhoods and Environment Act 2005 are repealed.

*Government of Wales Act 2006 (c. 32)*

- 43 In Schedule 7 to the Government of Wales Act 2006 (legislative competence of Welsh Assembly), in the list of exceptions in paragraph 12, for “Anti-social behaviour orders” there is substituted “Orders to protect people from behaviour that causes or is likely to cause harassment, alarm or distress”.

*Violent Crime Reduction Act 2006 (c. 38)*

- 44 The following provisions of the Violent Crime Reduction Act 2006 (which relate to drinking banning orders) are repealed—
  - (a) sections 1 to 7;
  - (b) section 8(1) to (6);
  - (c) sections 9 to 14.

- 45 Section 27 of that Act (directions to individuals who represent a risk of disorder) is repealed.

*Crime and Security Act 2010 (c. 17)*

- 46 Sections 40 and 41 of the Crime and Security Act 2010 (anti-social behaviour orders: report on family circumstances and parenting orders on breach) are repealed.

*Localism Act 2011 (c. 20)*

- 47 (1) In Schedule 14 to the Localism Act 2011 (grounds on which landlord may refuse to surrender and grant tenancies under section 158 of that Act), paragraph 6 (Ground 6) is amended as follows.
- (2) In sub-paragraph (2), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
- (3) In sub-paragraph (3), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
- (4) In sub-paragraph (4), in the definition of “relevant order”—
- (a) the word “or” before paragraph (e) is omitted;
  - (b) in paragraph (e), after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
  - (c) at the end there is inserted—
    - “(f) an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, or
    - (g) an order under section 22 of that Act;”.
- (5) After the definition of “relevant order” in that sub-paragraph there is inserted—  
“An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988.”
- (6) After the definition of “demotion order” in that sub-paragraph there is inserted—  
“A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to the Housing Act 1985 or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
- (7) The definition of “Ground 2 or 14 possession order” in that sub-paragraph is omitted.

- 48 After paragraph 6 of that Schedule there is inserted—

*“Ground 6A*

- 6A This ground is that a dwelling-house let on an existing tenancy is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 49 (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid for civil legal services) is amended as follows.

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- (2) In paragraph 36 of Part 1 (anti-social behaviour), in sub-paragraph (1), for the words after “in relation to” there is substituted “an application for, or proceedings in respect of, an injunction against the individual under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014.”
- (3) In paragraph 7 of Part 3 (certain advocacy services in a magistrates’ court excepted from the advocacy exclusion), for “and 15 to 18” there is substituted “, 15 to 18 and 36”.

*Repeal of spent provisions etc*

50 The following provisions are repealed.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Crime and Disorder Act 1998 (c. 37)	Section 40(2).
Powers of Criminal Courts(Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 192.
Police Reform Act 2002 (c. 30)	Sections 61 to 66.
Licensing Act 2003 (c. 17)	Section 155(2). In Schedule 6, paragraphs 121 to 125.
Anti-social Behaviour Act 2003 (c. 38)	Section 13. Section 14(3)(a). Section 56(1). Section 85(2) to (7) and (9) to (11). Section 86(1) to (4).
Sexual Offences Act 2003 (c. 42)	In Schedule 6, paragraph 38(3).
Criminal Justice Act 2003 (c. 44)	Sections 322 and 323. In Schedule 26, paragraph 59.
Children Act 2004 (c. 31)	In Schedule 2, paragraph 8.
Serious Organised Crime and Police Act 2005 (c. 15)	Section 139(1) to (9). Section 140(1) to (4). Sections 141 to 143. In Schedule 7, paragraph 36. In Schedule 10, paragraph 3(3)(b).
Clean Neighbourhoods and Environment Act 2005 (c. 16)	Section 2. Section 20(2). Section 21. Section 22.



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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	Section 31. In Schedule 4, paragraphs 7, 13 and 16 to 19.
Drugs Act 2005 (c. 17)	Section 20. In Schedule 1, paragraph 7.
Violent Crime Reduction Act 2006 (c. 38)	Section 8(7). Section 26. Section 59(1).
Police and Justice Act 2006 (c. 48)	Section 26. In Schedule 14, paragraphs 12(3), 13(3), 15, 32 and 33.
Mental Health Act 2007 (c. 12)	In Schedule 1, paragraph 21.
Criminal Justice and Immigration Act 2008 (c. 4)	Section 118. Section 123. Section 124. Schedule 20.
Transport for London Act 2008 (c. i)	Section 29(a).
Coroners and Justice Act 2009 (c. 25)	In Schedule 21, paragraph 72.
Policing and Crime Act 2009 (c. 26)	Section 31.
Police Reform and Social Responsibility Act 2011 (c. 13)	In Schedule 16, paragraphs 307 to 309.
Localism Act 2011 (c. 20)	Section 155(1).

## PART 2

### AMENDMENTS RELATING TO PART 9

#### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 51 In section 19AA of the Criminal Procedure (Scotland) Act 1995 (samples etc from sex offenders), in subsection (1)(c), after “an order under section” there is inserted “122A or”.
- 52 In section 19AB of that Act (supplementary provision in risk of sexual harm order cases), in subsection (7), at the end of the definition of “risk of sexual harm order” there is inserted—
- “and also includes an order under section 122A of the 2003 Act (sexual risk orders);”.



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*Police Act 1997 (c. 50)*

- 53 (1) Section 113CA of the Police Act 1997 (suitability information relating to children) is amended as follows.
- (2) After paragraph (f) of subsection (2) there is inserted—
- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
  - (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
- (3) After paragraph (i) of that subsection there is inserted—
- “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
  - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.
- 54 (1) Section 113CB of that Act (suitability information relating to protected adults) is amended as follows.
- (2) After paragraph (f) of subsection (2) there is inserted—
- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;

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- (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
  - (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
- (3) After paragraph (i) of that subsection there is inserted—
  - “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
  - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
    - (i) the prohibitions described in that order;
    - (ii) the date of that order;
    - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
    - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

*Crime and Disorder Act 1998 (c. 37)*

- 55 (1) Section 8 of the Crime and Disorder Act 1998 (parenting orders) is amended as follows.
- (2) For “sexual offences prevention order” there is substituted “sexual harm prevention order”—
  - (a) in subsection (1)(b);
  - (b) in subsection (6)(a).
- (3) For subsection (9) there is substituted—  
“(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).”

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*Sexual Offences Act 2003 (c. 42)*

- 56 In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order.”
- 57 In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order.”
- 58 In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F.”
- 59 In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(Scotland and Northern Ireland)”.
- 60 In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.
- 61 In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.
- 62 (1) Section 110 of that Act (SOPOs and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to SOPOs and interim SOPOs: Northern Ireland**”.
- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (4), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (5) there is substituted—
- “(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 63 (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “etc”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—
- “(1ZA) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—
- (a) a sexual harm prevention order, or
- (b) an interim sexual harm prevention order,
- other than a prohibition on foreign travel.”

- 64 In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “orders” there is inserted “(Scotland and Northern Ireland)”.
- 65 (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.
- (2) For the heading there is substituted “**Surrender of passports: Northern Ireland**”.
- (3) In subsection (2), after “at a police station” there is inserted “in Northern Ireland”.
- (4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 66 In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 67 (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to foreign travel orders: Northern Ireland**”.
- (3) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 68 (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
- (2) In the heading, at the end there is inserted “etc”.
- (3) In subsection (1)—
- (a) for “excuse, he” there is substituted “excuse—  
(a) he”;
- (b) at the end there is inserted “, or  
(b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”
- (4) In subsection (1B)(a) the words “England and Wales and” are omitted.
- 69 In the cross-heading before section 123 of that Act, after “orders” there is inserted “(Northern Ireland)”.
- 70 (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
- (2) In subsection (1)—
- (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
- (b) for “a magistrates’ court” there is substituted “a court of summary jurisdiction”;
- (c) for “his police area” (in both places) there is substituted “Northern Ireland”;

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- (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
- (3) Subsection (2) is repealed.
- 71 (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
- (2) In subsection (2), for paragraphs (b) to (d) there is substituted—  
“ (b) the Chief Constable of the Police Service of Northern Ireland.”
- (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard)”.
- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- (5) In subsection (7), for paragraphs (b) and (c) there is substituted—  
“ (b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;  
(c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”
- 72 In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- 73 (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.
- (2) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (3) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (4) For subsection (3) there is substituted—  
“ (3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 74 (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) For subsections (1) and (1A) there is substituted—  
“ (1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—  
(a) a risk of sexual harm order,  
(b) an interim risk of sexual harm order,  
(c) a sexual risk order,  
(d) an interim sexual risk order,  
(e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or

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- (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),  
commits an offence.”
- 75 (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “**etc**”.
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “122H or”.
- (4) For subsection (5) there is substituted—
- “(5) In this section “relevant order” means—
- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;
- (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (6) In subsection (5)—
- “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
- “interim risk of sexual harm order” includes an order under section 5 of that Act.”
- 76 (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—
- ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;
- ““interim sexual risk order” has the meaning given by section 122E(2);”;
- ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;
- ““sexual harm prevention order” has the meaning given by section 103A(1);”;
- ““sexual risk order” has the meaning given by section 122A(1);”.
- 77 In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—
- “(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

*Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)*

- 78 (1) Section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.

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- (3) In subsection (2), after “an order made under” there is inserted “section 122A or 122E or”.
- 79 (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.
- (2) In the heading, after “**or section**” there is inserted “**122H or**”.
- (3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.
- (4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.
- (5) In the definition of “relevant order” in subsection (5)—
- (a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;
  - (b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;
  - (c) for paragraphs (c) and (d) there is substituted—
    - “(c) where the conviction or finding referred to in subsection (1) (a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under section 5 above or an interim order under section 122E or 126 of the 2003 Act—
      - (i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or
      - (ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;
    - (d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—
      - (i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or
      - (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”

*Violent Crime Reduction Act 2006 (c. 38)*

- 80 In section 56 of the Violent Crime Reduction Act 2006 (cross-border provisions relating to sexual offences), subsection (2) is repealed.

*Armed Forces Act 2006 (c. 52)*

- 81 In Schedule 3A to the Armed Forces Act 2006 (Court Martial sentencing powers where election for trial by that court instead of CO), paragraph 13(2) and (3) (service sexual offences prevention orders) is repealed.

*Armed Forces Act 2011 (c. 18)*

- 82 (1) Section 17 of the Armed Forces Act 2011 (service sexual offences prevention orders) is repealed.
- (2) In Schedule 4 to that Act (consequential amendments), paragraph 3(3) is repealed.

**PART 3**

AMENDMENTS RELATING TO PART 11

*House of Commons Disqualification Act 1975 (c. 24)*

- 83 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975. (bodies of which all members are disqualified) at the appropriate place there is inserted—  
“The Police Remuneration Review Body.”

*Police Pensions Act 1976 (c. 35)*

- 84 In section 7 of the Police Pensions Act 1976 (payment of pensions and contributions), for paragraph (f) of subsection (2) there is substituted—  
“(f) a person to whom section 100A of the Police Act 1996 applies (senior police officer appointed as member of staff of College of Policing);”.
- 85 (1) Section 11 of that Act (interpretation) is amended as follows.
- (2) For paragraph (e) of subsection (1) there is substituted—  
“(e) service, by a person to whom section 100A of the Police Act 1996 applies, as a member of the staff of the College of Policing;”.
- (3) In subsection (2A)(i) the words “the body known as” are omitted.
- (4) In subsection (8A), for “the Chief Executive of the body known as” there is substituted “a member of the staff of”.

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

- 86 (1) Schedule 2A to the Police and Criminal Evidence Act 1984 (fingerprinting and samples: power to require attendance at police station) is amended as follows.
- (2) In paragraph 1 (fingerprinting: persons arrested and released)—  
(a) in sub-paragraph (2), for “section 61(5A)(b)” there is substituted “section 61(5A)(b)(i)”;
- (b) after sub-paragraph (3) there is inserted—  
“(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”
- (3) In paragraph 2 (fingerprinting: persons charged etc)—



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- (a) in sub-paragraph (2)(b), for “section 61(5B)(b)” there is substituted “section 61(5B)(b)(i)”;
  - (b) at the end of sub-paragraph (2) there is inserted “, or
    - (c) in a case falling within section 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”
- (4) In paragraph 9 (non-intimate samples: persons arrested and released)—
- (a) in sub-paragraph (2), for “within section 63(3ZA)(b)” there is substituted “within section 63(3ZA)(b)(i) or (ii)”;
  - (b) after sub-paragraph (3) there is inserted—
 

“(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”
- (5) In paragraph 10 (non-intimate samples: persons charged etc)—
- (a) in sub-paragraph (3), for “within section 63(3A)(b)” there is substituted “within section 63(3A)(b)(i) or (ii)”;
  - (b) after sub-paragraph (4) there is inserted—
 

“(5) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”

*Police Act 1996 (c. 16)*

- 87 In section 36 of the Police Act 1996 (general duty of Secretary of State), in subsection (2)(c), the words “(other than sections 61 and 62)” are omitted.
- 88 In section 97 of that Act (police officers engaged on service outside their force), in subsection (1)(i) the words “the body known as” are omitted.
- 89 In section 105 of that Act (extent), in subsection (3), for “sections 61 and 62” there is substituted “Part 3A”.

*Police Act 1997 (c. 50)*

- 90 In section 137 of the Police Act 1997 (extent), in subsection (2) (provisions extending to England and Wales only), after “sections” in paragraph (e) there is inserted “125(1A)”.

*Police (Northern Ireland) Act 2000 (c. 32)*

- 91 In section 49 of the Police (Northern Ireland) Act 2000 (severance arrangements), for subsection (4) there is substituted—
- “(4) Sections 25(8) and 26(6) of the Police (Northern Ireland) Act 1998 (requirement to consult the Board and the Police Association before making

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regulations) shall not apply in relation to regulations made by virtue of this section.”

*Freedom of Information Act 2000 (c. 36)*

92 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities), the following entries are inserted at the appropriate places—

“The College of Policing.”

“The Police Remuneration Review Body.”

*Police Reform Act 2002 (c. 30)*

93 (1) Section 29 of the Police Reform Act 2002 (interpretation of Part 2) is amended as follows.

(2) In subsection (1), in the definition of “serving with the police”, for “12(7)” there is substituted “12(7) to (10)”.

(3) In subsection (1A), for “12(7)” there is substituted “12(7) to (10)”.

94 In section 39 (police powers for contracted-out staff), subsections (9) to (11) are repealed.

95 (1) Schedule 3 to that Act (handling of complaints and conduct matters etc) is amended as follows.

(2) In paragraph 19, after paragraph (a) of sub-paragraph (7) there is inserted—

“(aa) a body required by section 26BA to enter into an agreement with the Commission, or”.

(3) In paragraph 20A(4), at the end there is inserted “, but this is subject to paragraph 19ZD (restriction on disclosure of sensitive information)”.

(4) In paragraph 20C(4)—

(a) the words from the beginning to “sub-paragraph (3),” are omitted;

(b) at the end there is inserted “, except so far as—

(a) regulations made by virtue of sub-paragraph (3) provide otherwise, or

(b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”

(5) In paragraph 20H(5)—

(a) the words from the beginning to “sub-paragraph (4),” are omitted;

(b) at the end there is inserted “, except so far as—

“(a) regulations made by virtue of sub-paragraph (4) provide otherwise, or

(b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”

(6) In paragraph 23(12)—

(a) the words from the beginning to “sub-paragraph (11),” are omitted;

(b) at the end there is inserted “, except so far as—

(a) regulations made by virtue of sub-paragraph (11) provide otherwise, or

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(b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”

(7) In paragraph 24A(3), after “a report” there is inserted “to the Commission”.

(8) In paragraph 24C—

- (a) in sub-paragraph (1), for “If” there is substituted “This paragraph applies where”;
- (b) the words in that sub-paragraph from “it shall make” to the end are omitted;
- (c) sub-paragraph (2) is repealed.

(9) In paragraph 27—

- (a) in the heading, after “*disciplinary proceedings*” there is inserted “*etc*”;
- (b) in sub-paragraph (7), after “disciplinary” there is inserted “or other”;
- (c) in sub-paragraph (9)(a), after “sub-paragraph (1)(b)” there is inserted “or (c)”.

*Equality Act 2010 (c. 15)*

96 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to public sector equality duty), at the appropriate place under the heading “*Police*” there is inserted—  
 “The College of Policing.”

*Police Reform and Social Responsibility Act 2011 (c. 13)*

97 In section 7 of the Police Reform and Social Responsibility Act 2011 (police and crime plans), for paragraph (f) of subsection (1) there is substituted—

- “(ea) the services which are to be provided by virtue of section 143 of the Anti-social Behaviour, Crime and Policing Act 2014;
- (f) any grants which the elected local policing body is to make under that section, and the conditions (if any) subject to which any such grants are to be made.”

98 Section 9 of that Act (crime and disorder reduction grants) is repealed.

99 In Schedule 2 to that Act (chief constables), paragraph 7(3) is repealed.

100 In Schedule 4 to that Act (Commissioner of Police of the Metropolis), paragraph 4(3) is repealed.

*Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*

101 In article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (pensions: special constables and police cadets), in paragraph (2), for “the Police Negotiating Board for the United Kingdom” there is substituted “the Police Negotiating Board for Scotland”.

*Repeal or revocation of spent provisions etc*

102 The following provisions are repealed or revoked—

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<i>Title and reference</i>	<i>Extent of repeal or revocation</i>
Police Act 1996 (c. 16)	In Schedule 7, paragraph 28.
Police (Northern Ireland) Act 1998 (c. 32)	Section 34.
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 92(2).
Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319)	In the Schedule, the entry for the Police Negotiating Board for the United Kingdom.
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)	In Schedule 1, the entry for the Police Negotiating Board for the United Kingdom. Schedule 21.
Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820)	In Schedule 2, paragraph 124.
Police (Northern Ireland) Act 2000 (c. 32)	In Schedule 6, paragraph 12(2).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entry for the Police Negotiating Board.
Police Reform Act 2002 (c. 30)	In Schedule 4, in paragraph 1(2), the word “and” at the end of paragraph (ca).
Police and Justice Act 2006 (c. 48)	In Schedule 4, paragraphs 3 and 10.
Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)	In Schedule 6, paragraph 5(3) and (4).
Policing and Crime Act 2009 (c. 26)	Section 12(3).
Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)	In Schedule 3, paragraphs 5 to 7.
Police Reform and Social Responsibility Act 2011 (c. 13)	Section 24(2)(a). In Schedule 16, paragraphs 30(3), 35(3) and 38.
Police and Fire Reform (Scotland) Act 2012 (asp 8)	In Schedule 7, paragraph 13(4).
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 5(4) to (6).

## PART 4

### AMENDMENTS RELATING TO PART 12

#### *Prison Act (Northern Ireland) 1953 (c. 18)*

- 103 In section 38 of the Prison Act (Northern Ireland) 1953 (arrest, etc, of persons unlawfully at large), in subsection (4), for “the last foregoing sub-section” there is substituted “subsection (2)”.

#### *Extradition Act 2003 (c. 41)*

- 104 In section 11 of the Extradition Act 2003 (bars to extradition), in subsection (1A), for “by reason of forum only” there is substituted “by reason of—
- (a) absence of prosecution decision, or
  - (b) forum,
- only”.
- 105 (1) Section 21 of that Act (human rights) is amended as follows.
- (2) For the heading there is substituted “**Person unlawfully at large: human rights**”.
  - (3) In subsection (1) the words “11 or” are omitted.
- 106 In section 26 of that Act (appeal against extradition order: category 1 territory), in subsection (4), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 107 In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 108 In section 35 of that Act (extradition where there is no appeal), after subsection (4) there is inserted—
- “(4A) If the day referred to in paragraph (a) of subsection (4) is earlier than the earliest day on which, by reason of an order under section 36B or 36C, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”
- 109 In section 36 of that Act (extradition following appeal), after subsection (3) there is inserted—
- “(3A) If the day referred to in paragraph (a) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 36B or 36C, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”
- 110 In section 66 of that Act (supplementary provision for the purposes of sections 64 and 65), in subsection (1), for “(2)” there is substituted “(1A)”.
- 111 In section 103 of that Act (appeal where case sent to Secretary of State), in subsection (9), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.

- 112 In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 113 (1) Section 108 of that Act (appeal against extradition order: category 2 territory) is amended as follows.
- (2) In subsection (4), for the words before “is 14 days” there is substituted
- “Notice of application for leave to appeal under this section must be given—
- (a) in accordance with rules of court, and
- (b) subject to subsections (5) and (7A), before the end of the permitted period, which”.
- (3) In subsection (5)—
- (a) for “But notice of an appeal” there is substituted “Notice of application for leave to appeal”
- (b) after “if it is an” there is inserted “application for leave to”.
- (4) In subsection (6), for the words before “before the person is extradited” there is substituted “Notice of application for leave to appeal on human rights grounds given after the end of the permitted period must be given”.
- (5) In subsection (7)—
- (a) for “notice of an appeal” there is substituted “notice of application for leave to appeal”;
- (b) for “consider the appeal” there is substituted “grant leave”;
- (c) for “to consider the appeal” there is substituted “for the appeal to be heard”.
- (6) In subsection (8), for ““appeal on human rights grounds” means an appeal” there is substituted ““to appeal on human rights grounds” means to appeal”.
- 114 In section 110 of that Act (appeal against discharge by Secretary of State), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 115 In section 117 of that Act (extradition where there is no appeal), in subsection (2), for the words after “28 days” there is substituted “starting with—
- (a) the day on which the Secretary of State makes the extradition order, or
- (b) if an order is made under section 118C or 118D, the earliest day on which the extradition order may be carried out.”
- 116 In section 118 of that Act (extradition following appeal), after subsection (2) there is inserted—
- “(2A) But if the day referred to in paragraph (a) or (b) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 118C or 118D, the extradition order may be carried out (“the postponed date”), the required period is 28 days beginning with the postponed date.”
- 117 In section 137 (definition of extradition offence for the purposes of Part 2 of the Act: person not sentenced for offence) subsection (9) is repealed.
- 118 In section 138 (definition of extradition offence for the purposes of Part 2 of the Act: person sentenced for offence) subsection (9) is repealed.

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*Status: This is the original version (as it was originally enacted).*

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- 119 (1) Section 197 of that Act (custody) is amended as follows.
- (2) In subsection (1), at the end there is inserted—
- “This is subject to the power to order the temporary transfer of a person under section 21B.”
- (3) After subsection (6) there is inserted—
- “(6A) An order for a person’s temporary transfer under section 21B is sufficient authority for an appropriate person—
- (a) to receive him;
- (b) to keep him in custody until he is transferred in accordance with the order;
- (c) to convey him to and from the territory to which he is to be transferred;
- (d) on his return from that territory, to keep him in custody until he is brought back to the institution to which he was committed.”
- 120 (1) Section 204 of that Act (warrant issued by category 1 territory: transmission by electronic means) is amended as follows.
- (2) In subsections (1)(c) and (2)(c), for “a qualifying form” there is substituted “a form in which it is intelligible and which is capable of being used for subsequent reference”.
- (3) In subsection (6)—
- (a) at the end of paragraph (a) there is inserted “and”;
- (b) paragraph (c) and the word “and” before it are omitted.
- 121 (1) Section 216 of that Act (interpretative provisions) is amended as set out in sub-paragraphs (2) and (3).
- (2) After subsection (10) there is inserted—
- “(10A) Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998.”
- (3) After subsection (12) there is inserted—
- “(12A) Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention.”
- (4) The following provisions of that Act are repealed in consequence of sub-paragraphs (2) and (3)—
- (a) the definition of “the Refugee Convention” in section 40(4);
- (b) section 70(2A);
- (c) section 153D(3).
- 122 In section 223 of that Act (orders and regulations), in subsection (6)(a), after the entry for section 173(4) there is inserted—
- “section 189D(4);  
section 189E(1)(b);”.
- 123 In section 226 of that Act (extent), in subsection (2), after “Sections” there is inserted “151B;”.

- 124 In Part 1 of Schedule 1 to that Act (re-extradition: category 1 territories), in paragraph 3, after “21(3)” there is inserted “and section 21A(5)”.

## PART 5

### AMENDMENTS CONSEQUENTIAL ON ESTABLISHMENT OF POLICE SERVICE OF SCOTLAND

#### *Terrorism Act 2000 (c. 11)*

- 125 (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 20B(10), for paragraph (b) of the definition of “a specified chief officer of police” there is substituted—
- “(b) the chief constable of the Police Service of Scotland, where—
- (i) the person who provided the material, or from whom it was taken, resides in Scotland, or
- (ii) the chief constable believes that the person is in, or is intending to come to, Scotland.”
- (3) In paragraph 20J—
- (a) for paragraphs (d) and (e) of the definition of “police force” there is substituted—
- “(d) the Police Service of Scotland;
- (e) the Scottish Police Authority;”;
- (b) in the second of the three definitions of “responsible chief officer of police”, for the words after “the chief constable of” there is substituted “the Police Service of Scotland”.

#### *Counter-Terrorism Act 2008 (c. 28)*

- 126 (1) In section 18D of the Counter-Terrorism Act 2008 (use of retained material), in subsection (2) for “the Scottish Police Services Authority” there is substituted “the Scottish Police Authority”.
- (2) In section 18E(1) of that Act (interpretation of sections 18 to 18E), for paragraph (d) of the definition of “police force” there is substituted—
- “(d) the Police Service of Scotland;”.