

2004 No. 2540

CRIMINAL LAW, ENGLAND AND WALES

POLICE, ENGLAND AND WALES

**The Criminal Justice and Police Act 2001 (Amendment) and
Police Reform Act 2002 (Modification) Order 2004**

Made - - - - - *27th September 2004*

Coming into force in accordance with article 1(3) and (4)

The Secretary of State, in exercise of the powers conferred upon him by section 1(2) of the Criminal Justice and Police Act 2001^(a) and paragraph 15A(1) of Schedule 4 and paragraph 9A(1) of Schedule 5 to the Police Reform Act 2002^(b), hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004.

(2) In this Order—

“the 2001 Act” means the Criminal Justice and Police Act 2001;

“the 2002 Act” means the Police Reform Act 2002.

(3) This Order, so far as it inserts an entry relating to the Fireworks Act 2003, shall come into force on the fourteenth day after the day on which this Order is made.

(4) This Order, so far as it does not come into force in accordance with paragraph (3), shall come into force on 1st November 2004.

Amendment of Criminal Justice and Police Act 2001

2.—(1) The Table in section 1(1) of the 2001 Act shall be amended in accordance with the following provisions of this article.

(2) After the entries relating to the British Transport Commission Act 1949^(c) there shall be inserted the following entry—

“Section 169A of the Licensing Act 1964 (c.26) Sale of alcohol to a person under 18”.

^(a) 2001 c.16. The powers in section 1(2) are extended by section 1(3).

^(b) 2002 c.30. Both paragraph 15A of Schedule 4 and paragraph 9A of Schedule 5 to the Police Reform Act 2002 were inserted by section 89 of the Anti-Social Behaviour Act 2003 (c.38).

^(c) 1949 c.xxix.

(3) In the entry relating to section 169C(3) of the Licensing Act 1964(a)—

- (a) in the first column for “169C(3)” there shall be substituted “169C(2) and (3)”;
- (b) in the second column the words “consumption in a bar in licensed premises by” shall be omitted.

(4) After that entry there shall be inserted the following entries—

“Section 169E of the Licensing Act 1964 (c.26)	Consumption of alcohol by a person under 18 or allowing such consumption
Section 169F of the Licensing Act 1964 (c.26)	Delivery of alcohol to a person under 18 or allowing such delivery”.

(5) After the entry relating to the Criminal Law Act 1967(b) there shall be inserted the following entries—

“Section 1 of the Theft Act 1968 (c.60)	Theft
Section 1(1) of the Criminal Damage Act 1971 (c.48)	Destroying or damaging property”.

(6) After the entry relating to the Public Order Act 1986(c) there shall be inserted the following entry—

“Section 87 of the Environmental Protection Act 1990 (c.43)	Depositing and leaving litter”.
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(7) After the entry relating to the Communications Act 2003(d) there shall be inserted the following entry—

“Section 11 of the Fireworks Act 2003 (c.22)	Contravention of a prohibition or failure to comply with a requirement imposed by or under fireworks regulations or making false statements”.
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3. In section 3(2) of the 2001 Act after “liable on” there shall be inserted “summary”.

Modification of powers exercisable by police civilians

4. Paragraph 1(2)(a) of Schedule 4 to the 2002 Act (powers exercisable by police civilians) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any of the following provisions—

- (a) section 1 of the Theft Act 1968;
- (b) section 87 of the Environmental Protection Act 1990.

(a) 1964 c.26. The Licensing Act 1964 is prospectively repealed by the Licensing Act 2003. Section 169A, together with sections 169B-169H were substituted by section 1 of the Licensing (Young Persons) Act 2000 (c.30).
(b) 1967 c.58.
(c) 1986 c.64.
(d) 2003 c.21.

Modification of powers exercisable by accredited persons

5. Paragraph 1(2)(aa)(a) of Schedule 5 to the 2002 Act (powers exercisable by accredited persons) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any of the following provisions—

- (a) section 1 of the Theft Act 1968;
- (b) section 1(1) of the Criminal Damage Act 1971;
- (c) section 87 of the Environmental Protection Act 1990.

Home Office
27th September 2004

Hazel Blears
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the table in section 1(1) of the Criminal Justice and Police Act 2001 (c.16). Article 2 adds further offences to those in respect of which a penalty notice may be given and penalty levied under sections 2 and 3 of that Act. Article 3 is a consequential amendment.

Articles 4 and 5 modify the operation of provisions in the Police Reform Act 2002 (c.22) that confer powers on police civilians and accredited persons in relation to the issue of penalty notices. Their effect is to prevent such persons from issuing penalty notice in relation to the offences specified in those articles.

(a) Inserted by the Anti-Social Behaviour Act 2003 (c.38) section 89(1) and (5).

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