Status: *Point in time view as at 03/02/1995.*
Changes to legislation: *Police and Criminal Evidence Act 1984, SCHEDULE 6 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 6

Section 119.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C1 Sch. 6 incorporated (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 52**

PART I

ENGLAND AND WALES

Game Act 1831 (c. 32)

1 The following section shall be inserted after section 31 of the Game Act 1831—

"**31A Powers of constables in relation to trespassers.**

The powers conferred by section 31 above to require a person found on land as mentioned in that section to quit the land and to tell his christian name, surname, and place of abode shall also be exercisable by a police constable.".

Metropolitan Police Act 1839 (c. 47)

2 In section 39 of the Metropolitan Police Act 1839 (fairs within the metropolitan police district) after the word "amusement" there shall be inserted the words "shall be guilty of an offence".

Railway Regulation Act 1840 (c. 97)

3 In section 16 of the Railway Regulation Act 1840 (persons obstructing officers of railway company or trespassing upon railway) for the words from "and" in the third place where it occurs to "justice," in the third place where it occurs there shall be substituted the words ", upon conviction by a magistrates' court, at the discretion of the court,".

London Hackney Carriages Act 1843 (c. 86)

4 In section 27 of the London Hackney Carriages Act 1843 (no person to act as driver of carriage without consent of proprietor) for the words after "constable" there shall be substituted the words "if necessary, to take charge of the carriage and every horse in charge of any person unlawfully acting as a driver and to deposit the same in some place of safe custody until the same can be applied for by the proprietor.".

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Town Gardens Protection Act 1863 (c. 13)

5 In section 5 of the Town Gardens Protection Act 1863 (penalty for injuring garden) for the words from the beginning to "district" there shall be substituted the words "Any person who throws any rubbish into any such garden, or trespasses therein, or gets over the railings or fence, or steals or damages the flowers or plants, or commits any nuisance therein, shall be guilty of an offence and".

Parks Regulation Act 1872 (c. 15)

6 The following section shall be substituted for section 5 of the Parks Regulation Act 1872 (apprehension of offender whose name or residence is not known)—

"**5** Any person who—

(a) within the view of a park constable acts in contravention of any of the said regulations in the park where the park constable has jurisdiction; and

(b) when required by any park constable or by any police constable to give his name and address gives a false name or false address,

shall be liable on summary conviction to a penalty of an amount not exceeding level 1 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982.".

Dogs (Protection of Livestock) Act 1953 (c. 28)

7 In the Dogs (Protection of Livestock) Act 1953 the following section shall be inserted after section 2—

"**2A Power of justice of the peace to authorise entry and search.**

If on an application made by a constable a justice of the peace is satisfied that there are reasonable grounds for believing—

(a) that an offence under this Act has been committed; and

(b) that the dog in respect of which the offence has been committed is on premises specified in the application,

he may issue a warrant authorising a constable to enter and search the premises in order to identify the dog.".

Army Act 1955 (c. 18)Air Force Act 1955 (c. 19)

8 The following subsection shall be substituted for section 195(3) of the Army Act 1955 and section 195(3) of the Air Force Act 1955—

"(3) A constable may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against this section.".

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Sexual Offences Act 1956 (c. 69)

9 At the end of section 41 of the Sexual Offences Act 1956 (power to arrest in cases of soliciting by men) there shall be added the words "but a constable may only do so in accordance with section 25 of the Police and Criminal Evidence Act 1984.".

Game Laws (Amendment) Act 1960 (c. 36)

10 In subsection (1) of section 2 of the Game Laws (Amendment) Act 1960 (power of police to enter on land) for the words "purpose of exercising any power conferred on him by the foregoing section" there shall be substituted the words "purpose—

(a) of exercising in relation to him the powers under section 31 of the Game Act 1831 which section 31A of that Act confers on police constables; or

(b) of arresting him in accordance with section 25 of the Police and Criminal Evidence Act 1984.".

11 In subsection (1) of section 4 of that Act (enforcement powers) for the words from "under", in the first place where it occurs, to "thirty-one" there shall be substituted the words ", in accordance with section 25 of the Police and Criminal Evidence Act 1984, for an offence under section one or section nine of the [M1]Night Poaching Act 1828, or under section thirty".

Marginal Citations

M1 1828 c. 69.

Betting, Gaming and Lotteries Act 1963 (c. 2)

12 The following subsection shall be substituted for subsection (2) of section 8 of the Betting, Gaming and Lotteries Act 1963 (prohibition of betting in streets and public places)—

"(2) Where a person is found committing an offence under this section, any constable may seize, and detain any article liable to be forfeited under this section.".

Deer Act 1963 (c. 36)

[F1]13 . . . . . .

Textual Amendments

F1 Sch. 6 para. 13 repealed (25.10.1991) by Deer Act 1991 (c. 54, SIF 4:3), ss. 17(6), 18(3), **Sch4**

Status: *Point in time view as at 03/02/1995.*
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Police Act 1964 (c. 48)

14 In section 7(1) of the Police Act 1964 (other members of police forces) after the words "chief constable" there shall be inserted the words ", deputy chief constable".

15 In section 29(2) of that Act (removal of chief constables) for the words "the deputy or an assistant chief constable" there shall be substituted the words "a deputy or assistant chief constable".

16 . . . . . F2

Textual Amendments

F2 Sch. 6 para. 16 repealed by Police Officers (Central Service) Act 1989 (c. 11, SIF 95), s. 3, **Sch.**

Criminal Law Act 1967 (c. 58)

17 The following subsection shall be inserted after section 4(1) of the Criminal Law Act 1967—

"(1A) In this section and section 5 below "arrestable offence" has the meaning assigned to it by section 24 of the Police and Criminal Evidence Act 1984.".

Theatres Act 1968 (c. 54)

18 In section 15(1) of the Theatres Act 1968 (powers of entry and inspection) for the words "fourteen days" there shall be substituted the words "one month".

Children and Young Persons Act 1969 (c. 54)

19 In the Children and Young Persons Act 1969— F3

(a) . . . . . .

(b) the following section shall be substituted for section 29—

"**29** A child or young person arrested in pursuance of a warrant shall not be released unless he or his parent or guardian (with or without sureties) enters into a recognisance for such amount as the custody officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognisance entered into in pursuance of this section may, if the custody officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.".

Textual Amendments

F3 Sch. 6 para. 19(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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Immigration Act 1971 (c. 77)

20 In section 25(3) of the Immigration Act 1971 for the words "A constable or" there shall be substituted the word "An".

Criminal Justice Act 1972 (c. 71)

21 In subsection (1) of section 34 of the Criminal Justice Act 1972 (powers of constable to take drunken offender to treatment centre) for the words from the beginning to "section the" there shall be substituted the words "On arresting an offender for an offence under—

(a) section 12 of the Licensing Act 1872; or

(b) section 91(1) of the Criminal Justice Act 1967,

a ".

F4 . . .

Textual Amendments

F4 Sch. 6 para. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F5 22 . . . . . .

Textual Amendments

F5 Sch. 6 para. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Deer Act 1980 (c. 49)

F6 23 . . . . . .

Textual Amendments

F6 Sch. 6 para. 23 repealed (25.10.1991) by Deer Act 1991 (c. 54, SIF 4:3), ss. 17(6), 18(3), **Sch.4**

Animal Health Act 1981 (c. 22)

24 In subsection (5) of section 60 of the Animal Health Act 1981 (enforcement powers) for the words "a constable or other officer" there shall be substituted the words "an officer other than a constable".

Wildlife and Countryside Act 1981 (c. 69)

25 In subsection (2) of section 19 of the Wildlife and Countryside Act 1981 (enforcement powers) after the words "subsection (1)" there shall be inserted the words "or arresting a person, in accordance with section 25 of the Police and Criminal Evidence Act 1984, for such an offence".

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Mental Health Act 1983 (c. 20)

26 In section 135(4) of the Mental Health Act 1983 for the words "the constable to whom it is addressed", in both places where they occur, there shall be substituted the words "a constable".

27 . . . . . [F7]

Textual Amendments

F7 Sch. 6 para. 27 repealed by Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4, SIF 39:2), s. 25(2), **Sch. 9 Pt. I**

PART II

OTHER AMENDMENTS

Army Act 1955 (c. 18)

28 (1) The Army Act 1955 shall be amended as follows.

(2) In section 99—

(a) in subsection (1), after the word "below" there shall be inserted the words "and to service modifications"; and

(b) the following subsections shall be inserted after that sub-section—

"(1A) In this section "service modifications" means such modifications as the Secretary of State may by regulations made by statutory instrument prescribe, being modifications which appear to him to be necessary or proper for the purposes of proceedings before a court-martial; and it is hereby declared that in this section—

"rules" includes rules contained in or made by virtue of an enactment; and

"enactment" includes an enactment contained in an Act passed after this Act.

(1B) Regulations under subsection (1A) above may not modify section 99A below.

(1C) Regulations under subsection (1A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

(3) In section 99A(1) for the word "Section" there shall be substituted the words "Without prejudice to section 99 above, section".

(4) The following section shall be inserted after section 200—

"**200A False statements in computer record certificates.**

(1) Any person who in a certificate tendered under paragraph 8 of Schedule 3 to the Police and Criminal Evidence Act 1984 (computer records) in evidence

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before a court-martial makes a statement which he knows to be false or does not believe to be true shall be guilty of an offence and liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(2) In this section "statutory maximum" has the meaning given by section 74 of the Criminal Justice Act 1982.".

Air Force Act 1955 (c. 19)

29 (1) The Air Force Act 1955 shall be amended as follows.

(2) In section 99—

(a) in subsection (1), after the word "below" there shall be inserted the words "and to service modifications"; and

(b) the following subsections shall be inserted after that sub-section—

"(1A) In this section "service modifications" means such modifications as the Secretary of State may by regulations made by statutory instrument prescribe, being modifications which appear to him to be necessary or proper for the purposes of proceedings before a court-martial; and it is hereby declared that in this section—

"rules" includes rules contained in or made by virtue of an enactment; and

"enactment" includes an enactment contained in an Act passed after this Act.

(1B) Regulations under subsection (1A) above may not modify section 99A below.

(1C) Regulations under subsection (1A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

(3) In section 99A(1) for the word "Section" there shall be substituted the words "Without prejudice to section 99 above, section".

(4) The following section shall be inserted after section 200—

"**200A False statements in computer record certificates.**

(1) Any person who in a certificate tendered under paragraph 8 of Schedule 3 to the Police and Criminal Evidence Act 1984 (computer records) in evidence before a court-martial makes a statement which he knows to be false or does not believe to be true shall be guilty of an offence and liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;

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(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(2) In this section "statutory maximum" has the meaning given by section 74 of the Criminal Justice Act 1982.".

Police (Scotland) Act 1967 (c. 77)

30 In section 6(2) of the Police (Scotland) Act 1967 (constables below rank of assistant chief constable) for the words "an assistant chief constable or a constable holding the office of deputy chief constable" there shall be substituted the words "a deputy chief constable or an assistant chief constable".

31 In section 7(1) of that Act (ranks) after the words "chief constable," there shall be inserted the words "deputy chief constable,".

32 In section 26(7) of that Act (disciplinary authority) immediately before the words "deputy chief constable" there shall be inserted the word "any".

33 In section 31(2) of that Act (compulsory retirement of chief constable etc.) for the words "the deputy or an assistant chief constable" there shall be substituted the words "a deputy or assistant chief constable".

Courts-Martial (Appeals) Act 1968 (c. 20)

34 (1) The following section shall be inserted after section 37 of the Courts-Martial (Appeals) Act 1968—

"**37A False statements in computer record certificates.**

(1) Any person who in a certificate tendered under paragraph 8 of Schedule 3 to the Police and Criminal Evidence Act 1984 (computer records) in evidence before the Appeal Court makes a statement which he knows to be false or does not believe to be true shall be guilty of an offence and liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(2) Proceedings for an offence under this section committed outside the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(3) In this section "statutory maximum" has the meaning given by section 74 of the Criminal Justice Act 1982.".

House of Commons Disqualification Act 1975 (c. 24)Northern Ireland Assembly Disqualification Act 1975 (c. 25)

35 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975

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(bodies of which all members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order—

"The Police Complaints Authority".

Armed Forces Act 1976 (c. 52)

36 The following paragraph shall be inserted after paragraph 17 of Schedule 3 to the Armed Forces Act 1976 (Standing Civilian Courts)—

"17A Section 200A of that Act (false statements in computer record certificates) shall have effect as if the reference to a court-martial in subsection (1) included a reference to a Standing Civilian Court.".

Customs and Excise Management Act 1979 (c. 2)

37 The following subsection shall be substituted for section 138(4) of the Customs and Excise Management Act 1979—

"(4) Where any person has been arrested by a person who is not an officer—

(a) by virtue of this section; or

(b) by virtue of section 24 of the Police and Criminal Evidence Act 1984 in its application to offences under the customs and excise Acts,

the person arresting him shall give notice of the arrest to an officer at the nearest convenient office of customs and excise.".

38 In section 161 of that Act—

(a) in subsection (3), for the words from "that officer" to the end of the subsection there shall be substituted the words "any officer and any person accompanying an officer to enter and search the building or place named in the warrant within one month from that day"; and

(b) in subsection (4), for the words "person named in a warrant under subsection (3) above" there shall be substituted the words "other person so authorised".

Betting and Gaming Duties Act 1981 (c. 63)

39 In the following provisions of the Betting and Gaming Duties Act 1981, namely—

(a) section 15(2);

(b) paragraph 16(1) of Schedule 1;

(c) paragraph 17(1) of Schedule 3; and

(d) paragraph 17(1) of Schedule 4,

for the words "fourteen days" there shall be substituted the words "one month".

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Car Tax Act 1983 (c. 53)

40 In paragraph 7(3) of Schedule 1 to the Car Tax Act 1983 for the words "fourteen days" there shall be substituted the words "one month".

Value Added Tax Act 1983 (c. 55)

F8 41 . . . . . .

Textual Amendments

F8 Sch. 6 para. 41 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), **Sch. 15**

Status:
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Changes to legislation:
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