

## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### 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. " .

##### *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,

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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.”.

*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. " .

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*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 Night Poaching Act 1828, or under section thirty " .

*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)*

- 13 In subsection (2) of section 5 of the Deer Act 1963 (enforcement powers) after the word " subsection " there shall be inserted the words " or arresting a person, in accordance with section 25 of the Police and Criminal Evidence Act 1984, for an offence under this Act " .

*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 In section 43(5) of that Act (central service) after the word " constabulary " there shall be inserted the words " or with the Police Complaints Authority " .

*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.”.

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*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—
- (a) in section 28(4), for the words " a police officer not below the rank of inspector or by the police officer in charge of " there shall be substituted the words "the custody officer at " ; and
  - (b) the following section shall be substituted for section 29—

**“29 Recognisance on release of arrested child or young person.**

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.”.

*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”.

*Child Care Act 1980 (c. 5)*

- 22 In subsection (1)(b) of section 73 of the Child Care Act 1980 (provisions as to places of safety etc.) for the words " section 29(3) of the Children and Young Persons Act 1969 " there shall be substituted the words " section 38(7) of the Police and Criminal Evidence Act 1984 " .

*Deer Act 1980 (c. 49)*

- 23 In subsection (2) of section 4 of the Deer Act 1980 (enforcement powers) after the word " above " there shall be inserted the words " or arresting a person, in

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accordance with section 25 of the Police and Criminal Evidence Act 1984, for an offence under this Act " .

*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 " .

*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 " .

*Prevention of Terrorism (Temporary Provisions) Act 1984 (c. 8)*

- 27 In paragraph 4 of Schedule 3 to the Prevention of Terrorism (Temporary Provisions) Act 1984 (search warrants)—
- (a) in sub-paragraph (4)—
    - (i) for the word "If" there shall be substituted the words " Subject to sub-paragraph (4A) below, if " ; and
    - (ii) at the end there shall be added the words " or which could have been so given but for section 9(2) of the Police and Criminal Evidence Act 1984" ; and
  - (b) the following sub-paragraph shall be inserted after subparagraph (4)—

“(4A) An order given under sub-paragraph (4) above may not authorise a search for items subject to legal privilege within the meaning of section 10 of the Police and Criminal Evidence Act 1984.”.