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## SCHEDULES

### SCHEDULE 2

#### APPLICATIONS AND MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### APPLICATION OF ENACTMENTS

###### *Notice of tests*

- 1 Section 30 of the Trade Descriptions Act 1968 (c. 29) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 28(1) of that Act as it applies in relation to items seized in pursuance of that Act.
  - 2 Section 31 of the Fair Trading Act 1973 (c. 41) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act as it applies in relation to items seized in pursuance of Part 2 of that Act.
  - 3 Section 30(6) and (7) of the Consumer Protection Act 1987 (c. 43) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act as it applies in relation to items seized under section 29 of that Act.
  - 4 Article 23(6) and (7) of the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987 2049 (N.I. 20)) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order as it applies in relation to items seized under that Article.
- [<sup>F1</sup>4A Regulation 23(6) of the General Product Safety Regulations 2005 (provision about the testing of seized products) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by regulation 23 of those Regulations as it applies in relation to items seized under regulation 22 of those Regulations.]

###### **Annotations:**

###### **Amendments (Textual)**

- F1** Sch. 2 para. 4A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(a\)](#) (with [regs. 42, 43](#))

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### *Access to seized items*

- 5 Subject to section 61 of this Act, section 11(3) of the Estate Agents Act 1979 (c. 38) (access to items seized under that section) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 11 of that Act as it applies in relation to items seized under section 11 of that Act.

### *Compensation for seizure and detention*

- 6 Section 32 of the Fair Trading Act 1973 (c. 41) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.
- 7 Section 163 of the Consumer Credit Act 1974 (c. 39) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 162(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 162 of that Act.
- 8 Section 34 of the Consumer Protection Act 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.
- 9 Article 26 of the Consumer Protection (Northern Ireland) Order 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order, and the retention of those items, as it applies in relation to the seizure and detention of goods under that Article.
- [<sup>F2</sup>9A Regulation 26 of the General Product Safety Regulations 2005 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by regulation 22 of those Regulations, and the retention of products under regulations 22 of those Regulations.]

#### **Annotations:**

#### **Amendments (Textual)**

- F2** Sch. 2 para. 9A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(b\)](#) (with [regs. 42, 43](#))

### *Forfeiture of seized items*

- 10 (1) The provisions mentioned in sub-paragraph (2) (which are about the forfeiture etc. of items which have been seized) shall apply in relation to an item seized under section 50 as if the item had been seized under the power of seizure in reliance on which it was seized.
- (2) Those provisions are—
- (a) section 3(3) of the Obscene Publications Act 1959 (c. 66);

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- (b) <sup>F3</sup> .....
- (c) .....
- (d) sections 7(2) and 24(2) of the Forgery and Counterfeiting Act 1981 (c. 45).

**Annotations:**

**Amendments (Textual)**

**F3** Sch. 2 para. 10(2)(b)(c) repealed (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 4](#); S.I. 2008/790, art. 3(c)

*Disclosure of information*

- 11 Any provision which—
- (a) restricts the disclosure, or permits the disclosure only for limited purposes or in limited circumstances, of information obtained through the exercise of a power of seizure specified in Part 1 or 2 of Schedule 1, or
  - (b) confers power to make provision which does either or both of those things,
- shall apply in relation to information obtained under section 50 or 51 in reliance on the power in question as it applies in relation to information obtained through the exercise of that power.

*Interpretation*

- 12 For the purposes of this Part of this Schedule, an item is seized, or information is obtained, under section 50 or 51 in reliance on a power of seizure if the item is seized, or the information obtained, in exercise of so much of any power conferred by that section as is exercisable by reference to that power of seizure.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1A) inserted by 2012 c. 10 Sch. 23 para. 3(3)
- s. 2(4A) (4B) inserted by 2012 c. 10 Sch. 23 para. 3(7)
- s. 2A inserted by 2012 c. 10 Sch. 23 para. 4
- s. 3(3A) inserted by 2012 c. 10 Sch. 23 para. 5(3)
- s. 4(6)-(10) inserted by 2012 c. 10 Sch. 23 para. 6(3)
- s. 5(2A) (2B) inserted by 2012 c. 10 Sch. 23 para. 7(3)
- s. 6(ba) inserted by 2012 c. 10 Sch. 23 para. 8
- s. 10(7) inserted by 2012 c. 10 Sch. 23 para. 10(3)
- s. 10A and cross-heading inserted by 2012 c. 10 Sch. 23 para. 11
- s. 57(1)(s) inserted by 2015 c. 15 Sch. 6 para. 62(b)
- s. 59(13) inserted by 2015 c. 20 s. 82(5)
- s. 65(8B) inserted by 2015 c. 15 Sch. 6 para. 63(3)
- s. 66(4)(q)(r) inserted by S.I. 2008/1277 Sch. 2 para. 63
- s. 66(4)(q) omitted by 2015 c. 15 Sch. 6 para. 64(a)
- s. 66(4)(r) omitted by 2015 c. 15 Sch. 6 para. 64(a)
- s. 66(4)(s) inserted by S.I. 2010/2960 Sch. 6 para. 2(3)(b)
- s. 66(4)(s) omitted by 2015 c. 15 Sch. 6 para. 64(a)
- s. 66(4)(s) words substituted by S.I. 2011/1065 reg. 2(3)
- s. 66(4)(t) inserted by 2015 c. 15 Sch. 6 para. 64(d)
- s. 66(4)(ja) inserted by 2008 c. 22 Sch. 7 para. 20(a)
- s. 67A inserted by 2016 anaw 6 s. 185(2)
- s. 69(2A) inserted by S.I. 2010/976 Sch. 14 para. 46(3)
- s. 97(1A)(1B) inserted by 2014 c. 12 s. 123(5)(a)
- s. 97(4)(c)-(cb) substituted for s. 97(4)(c) by 2011 c. 13 Sch. 16 para. 271(b)
- s. 97(6)(c)(iv) and word inserted by 2017 c. 3 s. 40(2)(b)
- Sch. 1 para. 73M and cross-headings inserted by 2010 asp 5 s. 141(6)
- Sch. 1 para. 73O inserted by S.R. 2011/331 Sch. 1 Pt. 2 para. 20(b)
- Sch. 1 para. 73L and cross heading inserted by 2009 c. 23 s. 253(7)
- Sch. 1 para. 73M inserted by 2010 c. 11 Sch. 3 para. 1
- Sch. 1 para. 63A and cross-heading inserted by 2012 c. 9 Sch. 9 para. 145
- Sch. 1 para. 69A 69B inserted by 2012 c. 9 Sch. 9 para. 28
- Sch. 1 para. 82A inserted by 2012 c. 9 Sch. 9 para. 29
- Sch. 1 para. 73P and cross-heading inserted by 2015 c. 15 Sch. 6 para. 65(5)
- Sch. 1 para. 73Q and cross-heading inserted by 2017 c. 6 s. 23(9)
- Sch. 1 para. 73N inserted by S.I. 2010/2960 Sch. 6 para. 2(4)(b)
- Sch. 1 para. 68A inserted by S.I. 2016/680 reg. 13(5)
- Sch. 1 para. 73R inserted by S.I. 2017/730 Sch. 3 para. 6
- Sch. 1 para. 73N omitted by 2015 c. 15 Sch. 6 para. 65(2)(k)
- Sch. 1 para. 73O omitted by 2015 c. 15 Sch. 6 para. 65(2)(l)
- Sch. 1 para. 73N words substituted by S.I. 2011/1065 reg. 2(4)
- Sch. 2 para. 4D 4E inserted by 2015 c. 15 Sch. 6 para. 66(5)
- Sch. 2 para. 9D inserted by 2015 c. 15 Sch. 6 para. 66(8)
- Sch. 2 para. 4B 4C inserted by S.I. 2008/1277 Sch. 2 para. 65(2)
- Sch. 2 para. 9B 9C inserted by S.I. 2008/1277 Sch. 2 para. 65(3)
- Sch. 2 para. 4B omitted by 2015 c. 15 Sch. 6 para. 66(2)
- Sch. 2 para. 4C omitted by 2015 c. 15 Sch. 6 para. 66(2)
- Sch. 2 para. 9B omitted by 2015 c. 15 Sch. 6 para. 66(2)

- Sch. 2 para. 9C omitted by 2015 c. 15 Sch. 6 para. 66(2)

**Commencement Orders yet to be applied to the Criminal Justice and Police Act 2001**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/3300 art. 2 commences (2003 c. 38)
- S.I. 2004/3338 art. 3(b) commences (2002 c. 30)
- S.I. 2008/755 art. 2 15-18 commences (2007 c. 27)
- S.I. 2008/790 art. 2 3 commences (2006 c. 48)
- S.I. 2008/1886 art. 2 commences (2006 c. 46)
- S.I. 2008/2504 art. 2 commences (2007 c. 27)
- S.I. 2008/2550 art. 2 Sch. commences (2007 c. 17)
- S.I. 2008/2860 art. 3 4 Sch. 1 commences (2006 c. 46)
- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
- S.I. 2009/2232 art. 2 commences (2008 c. 22)
- S.I. 2009/2565 art. 2 commences (2006 c. 15)
- S.I. 2009/3345 art. 2 Sch. commences (2009 c. 23)
- S.I. 2010/987 art. 2 commences (2008 c. 22)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)
- S.S.I. 2010/230 art. 2-4 commences (2010 asp 5)
- S.R. 2011/11 art. 2 Sch. commences (2008 c. 12 (N.I.))