

SCHEDULES

SCHEDULE 14

Section 52

MINOR AND CONSEQUENTIAL AMENDMENTS

Prison Act 1952 (c. 52)

- 1 (1) Section 52 of the Prison Act 1952 (exercise of power to make orders, rules and regulations) is amended as follows.
 - (2) In subsection (1), after “of this Act” there is inserted “or under Schedule A1 to this Act”.
 - (3) After subsection (2) there is inserted—
 - “(2A) A statutory instrument containing an order under Schedule A1 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
 - (4) In subsection (3), after “of this Act” there is inserted “or under Schedule A1 to this Act”.

Criminal Damage Act 1971 (c. 48)

- 2 In section 10 of the Criminal Damage Act 1971 (interpretation), after subsection (4) there is inserted—
 - “(5) For the purposes of this Act a modification of the contents of a computer shall not be regarded as damaging any computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition.”

Superannuation Act 1972 (c. 11)

- 3 (1) In Schedule 1 to the Superannuation Act 1972 (employments etc to which section 1 can apply), at the appropriate place in the list of “Offices” there is inserted—
 - “The office of inspector or assistant inspector of constabulary, where held by a person to whom paragraphs (a) and (b) of section 11(7) of the Police Pensions Act 1976 apply (inspectors etc not eligible for police pensions).”
- (2) The amendment made by sub-paragraph (1) shall be deemed always to have had effect.

Police Pensions Act 1976 (c. 35)

- 4 (1) In section 11 of the Police Pensions Act 1976 (interpretation), after subsection (6) there is inserted—

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“(7) References in this Act to an inspector or assistant inspector of constabulary, and to service as such, do not have effect in relation to cases in which the person in question—

- (a) was appointed on or after 1st January 1999, and
- (b) did not serve as a member of a police force at any time before his appointment took effect.”

(2) The amendment made by sub-paragraph (1) shall be deemed always to have had effect.

Bail Act 1976 (c. 63)

5 In subsection (1) of—

- (a) section 3A of the Bail Act 1976 (conditions of bail in case of police bail), and
 - (b) section 5A of that Act (supplementary provisions in cases of police bail),
- after “Part IV of the Police and Criminal Evidence Act 1984” there is inserted “or Part 3 of the Criminal Justice Act 2003”.

Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))

6 In Article 12 of the Criminal Damage (Northern Ireland) Order 1977 (meaning of property, etc), after paragraph (4) there is inserted—

“(5) For the purposes of this Order a modification of the contents of a computer shall not be regarded as damaging any computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition.”

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

7 In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), in paragraph 1(b)(ii), for “section 5 of” there is substituted “the Schedule to”.

Aviation Security Act 1982 (c. 36)

- 8 (1) Part 3 of the Aviation Security Act 1982 (policing of airports) is amended as follows.
- (2) In the heading to that Part, for “AIRPORTS” there is substituted “AERODROMES”.
- (3) Between section 24B (inserted by section 12 above) and section 25 of that Act there is inserted—

“Policing of designated airports”.

(4) Subsections (1), (4) and (5) of section 27 of that Act (prevention of theft at designated airports) are omitted.

Police and Criminal Evidence Act 1984 (c. 60)

- 9 In section 37 of the Police and Criminal Evidence Act 1984 (duties of custody officer before charge), in subsection (7B)—
- (a) for “released under subsection (7)(a)” there is substituted “dealt with under subsection (7)(a)”;
 - (b) after “he is being released” there is inserted “, or (as the case may be) detained.”.
- 10 (1) Section 37B of that Act (consultation with the Director of Public Prosecutions) is amended as follows.
- (2) In subsection (1), for “released on bail under section 37(7)(a)” there is substituted “dealt with under section 37(7)(a)”.
 - (3) In subsection (4), for “shall give written notice” there is substituted “shall give notice”.
 - (4) After that subsection there is inserted—
 - “(4A) Notice under subsection (4) above shall be in writing, but in the case of a person kept in police detention under section 37(7)(a) above it may be given orally in the first instance and confirmed in writing subsequently.”
 - (5) In subsection (8), for paragraph (a) there is substituted—
 - “(a) when he is in police detention at a police station (whether because he has returned to answer bail, because he is detained under section 37(7)(a) above or for some other reason), or”.
- 11 In section 64A of that Act (photographing of suspects etc), in subsection (1B), after paragraph (f) there is inserted “; or
- (g) given a notice in relation to a relevant fixed penalty offence (within the meaning of Schedule 5A to the 2002 Act) by an accredited inspector by virtue of accreditation specifying that paragraph 1 of Schedule 5A to the 2002 Act applies to him.”

Housing Act 1985 (c. 68)

- 12 (1) Section 82A of the Housing Act 1985 (demotion because of anti-social behaviour) is amended as follows.
- (2) In subsection (4)(a), for the words from “engage in” to the end there is substituted “engage in—
 - (i) housing-related anti-social conduct, or
 - (ii) conduct to which section 153B of the Housing Act 1996 (use of premises for unlawful purposes) applies, and”.
 - (3) After subsection (7) there is inserted—
 - “(7A) In subsection (4)(a) “housing-related anti-social conduct” has the same meaning as in section 153A of the Housing Act 1996.”
- 13 (1) Section 121A of that Act (order suspending right to buy because of anti-social behaviour) is amended as follows.
- (2) In subsections (3)(a) and (7)(a), for the words from “engage in” to the end there is substituted “engage in—

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- (i) housing-related anti-social conduct, or
- (ii) conduct to which section 153B of the Housing Act 1996 (use of premises for unlawful purposes) applies, and”.

(3) After subsection (9) there is inserted—

“(10) In this section “housing-related anti-social conduct” has the same meaning as in section 153A of the Housing Act 1996.”

Criminal Justice Act 1988 (c. 33)

- 14 In section 142 of the Criminal Justice Act 1988 (power of justice of the peace to authorise entry and search of premises for offensive weapons), in subsection (3), for “subsection (1)(b)” there is substituted “subsection (1)(c)”.

Housing Act 1988 (c. 50)

- 15 (1) Section 6A of the Housing Act 1988 (demotion because of anti-social behaviour) is amended as follows.

(2) In subsection (4)(a), for the words from “engage in” to the end there is substituted “engage in—

- (i) housing-related anti-social conduct, or
- (ii) conduct to which section 153B of the Housing Act 1996 (use of premises for unlawful purposes) applies, and”.

(3) After subsection (10) there is inserted—

“(10A) In subsection (4)(a) “housing-related anti-social conduct” has the same meaning as in section 153A of the Housing Act 1996.”

Local Government and Housing Act 1989 (c. 42)

- 16 In section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer), in subsection (1), for “the clerk to the authority” there is substituted “the chief executive of the authority”.

Computer Misuse Act 1990 (c. 18)

- 17 In section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences), for subsection (5) there is substituted—

“(5) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.”

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- 18 In the heading to section 4 of that Act (territorial scope of offences under that Act), for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”.
- 19 (1) Section 5 of that Act (significant links with domestic jurisdiction) is amended as follows.
- (2) In subsection (2), for paragraph (b) there is substituted—
- “(b) that any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the home country concerned at that time.”
- (3) In subsection (3)—
- (a) in paragraph (a), for “he did the act which caused the unauthorised modification” there is substituted “he did the unauthorised act (or caused it to be done)”;
- (b) for paragraph (b) there is substituted—
- “(b) that the unauthorised act was done in relation to a computer in the home country concerned.”
- 20 In section 6 of that Act (territorial scope of inchoate offences)—
- (a) in the heading, for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”;
- (b) in subsections (1) and (3), for “offence under this Act” there is substituted “offence under section 1, 2 or 3 above”.
- 21 In section 7 of that Act (territorial scope of inchoate offences related to offences under external law)—
- (a) in the heading, for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”;
- (b) in subsection (4), for “offence under this Act” there is substituted, in each place, “offence under section 1, 2 or 3 above”.
- 22 In section 9 of that Act (British citizenship immaterial), in paragraphs (a) and (d) of subsection (2), for “offence under this Act” there is substituted “offence under section 1, 2 or 3 above”.
- 23 Section 11 of that Act (proceedings for offences under section 1) is repealed.
- 24 Section 12 of that Act (conviction of an offence under section 1 in proceedings for an offence under section 2 or 3) is repealed.
- 25 (1) Section 13 of that Act (proceedings in Scotland) is amended as follows.
- (2) In subsection (1), for paragraph (b) there is substituted—
- “(b) any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the sheriffdom at that time.”
- (3) In subsection (2)—
- (a) in paragraph (a), for “he did the act which caused the unauthorised modification” there is substituted “he did the unauthorised act (or caused it to be done)”;
- (b) for paragraph (b) there is substituted—

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“(b) the unauthorised act was done in relation to a computer in the sheriffdom.”

(4) Subsections (3) to (7) are omitted.

(5) In subsection (8), the words from “commenced” to the end are omitted.

26 Section 14 of that Act (search warrants for offences under section 1) is repealed.

27 (1) Section 16 of that Act (application to Northern Ireland) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) In section 1(3)(a)—

- (a) the reference to England and Wales shall be read as a reference to Northern Ireland; and
- (b) the reference to 12 months shall be read as a reference to six months.”

(3) After subsection (2) there is inserted—

“(2A) In section 2(5)(a)—

- (a) the reference to England and Wales shall be read as a reference to Northern Ireland; and
- (b) the reference to 12 months shall be read as a reference to six months.”

(4) Subsection (3) is omitted.

(5) Before subsection (4) there is inserted—

“(3A) In section 3(6)(a)—

- (a) the reference to England and Wales shall be read as a reference to Northern Ireland; and
- (b) the reference to 12 months shall be read as a reference to six months.”

(6) After the subsection inserted by sub-paragraph (5) there is inserted—

“(3B) In section 3A(5)(a)—

- (a) the reference to England and Wales shall be read as a reference to Northern Ireland; and
- (b) the reference to 12 months shall be read as a reference to six months.”

(7) Subsections (10), (11) and (12) are omitted.

28 After that section there is inserted—

“16A Northern Ireland: search warrants for offences under section 1

(1) Where a county court judge is satisfied by information on oath given by a constable that there are reasonable grounds for believing—

- (a) that an offence under section 1 above has been or is about to be committed in any premises, and

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- (b) that evidence that such an offence has been or is about to be committed is in those premises,
he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.
 - (2) The power conferred by subsection (1) above does not extend to authorising a search for material of the kinds mentioned in Article 11(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (privileged, excluded and special procedure material).
 - (3) A warrant under this section—
 - (a) may authorise persons to accompany any constable executing the warrant; and
 - (b) remains in force for twenty-eight days from the date of its issue.
 - (4) In exercising a warrant issued under this section a constable may seize an article if he reasonably believes that it is evidence that an offence under section 1 above has been or is about to be committed.
 - (5) In this section “premises” includes land, buildings, movable structures, vehicles, vessels, aircraft and hovercraft.
 - (6) This section extends only to Northern Ireland.”
- 29 (1) Section 17 of that Act (interpretation) is amended as follows.
- (2) In subsection (2), after “such access” there is inserted “or to enable such access to be secured”.
 - (3) Subsection (7) is omitted.
 - (4) For subsection (8) there is substituted—
 - “(8) An act done in relation to a computer is unauthorised if the person doing the act (or causing it to be done)—
 - (a) is not himself a person who has responsibility for the computer and is entitled to determine whether the act may be done; and
 - (b) does not have consent to the act from any such person.
- In this subsection “act” includes a series of acts.”

Police Act 1996 (c. 16)

- 30 In section 91 of the Police Act 1996 (offence of causing disaffection amongst members of police forces etc), after subsection (2) there is inserted—
- “(3) Liability under subsection (1) for any behaviour is in addition to any civil liability for that behaviour.”

Employment Rights Act 1996 (c. 18)

- 31 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), for paragraph (c) of subsection (2) there is substituted—
- “(c) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority,”.

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Housing Act 1996 (c. 52)

- 32 In subsection (1)(b) of—
- (a) section 153C of the Housing Act 1996 (injunctions: exclusion order and power of arrest), and
 - (b) section 154 of that Act (powers of arrest: *ex parte* applications for injunctions),
- for “section 153A(4)” there is substituted “any of paragraphs (a) to (d) of section 153A(3)”.
- 33 In section 218A of that Act (anti-social behaviour: landlords' policies and procedures), for subsection (8) there is substituted—
- “(8) Anti-social behaviour is—
 - (a) any housing-related anti-social conduct, or
 - (b) any conduct to which section 153B applies. - (8A) Housing-related anti-social conduct has the same meaning as in section 153A.”

Police Act 1997 (c. 50)

- 34 In section 94 of the Police Act 1997 (authorisations given in absence of authorising officer), for paragraph (a) of subsection (4) (meaning of “designated deputy”) there is substituted—
- “(a) in the case of an authorising officer within paragraph (a) of section 93(5), means—
 - (i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or
 - (ii) the person holding the rank of assistant chief constable designated to act under section 12A(2) of that Act;”.

Audit Commission Act 1998 (c. 18)

- 35 (1) Section 37 of the Audit Commission Act 1998 is amended as follows.
- (2) In the heading, for “**CHAI and CSCI**” there is substituted “**other bodies and persons**”.
- (3) After subsection (1) there is inserted—
- “(1A) The Audit Commission may provide assistance to—
 - (a) Her Majesty’s Chief Inspector of Prisons,
 - (b) Her Majesty’s Inspectors of Constabulary,
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
 - (d) Her Majesty’s Inspectorate of the National Probation Service for England and Wales, and
 - (e) Her Majesty’s Inspectorate of Court Administration, - in the discharge of any of their functions.”
- (4) For subsection (2) there is substituted—

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“(2) Assistance under subsection (1) or (1A) may be provided on such terms, including terms as to payment, as the Audit Commission and the body or person in question may agree.”

Crime and Disorder Act 1998 (c. 37)

36 In section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”), in paragraph (ee), for “sections 25 to 27” there is substituted “sections 25, 26 and 27”.

Youth Justice and Criminal Evidence Act 1999 (c. 23)

- 37 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In the cross-heading before section 47 (restrictions on reporting directions under Chapter 1 or 2 of Part 2) and in the heading to that section, for “Chapter I or II” there is substituted “Chapter 1, 1A or 2”.
- (3) In section 47, in subsection (2)(a), after “section 19”, in the first place it occurs, there is inserted “, 33A”.

Local Government Act 2000 (c. 22)

- 38 (1) Section 21 of the Local Government Act 2000 (overview and scrutiny committees) is amended as follows.
- (2) At the end of subsection (4) there is inserted “or section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters)”.
- (3) In subsection (10), after “Schedule 1” there is inserted “and to section 20(6) of the Police and Justice Act 2006”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 39 In section 34 of the Regulation of Investigatory Powers Act 2000 (grant of authorisations in senior officer’s absence), for paragraph (a) of subsection (6) (meaning of “designated deputy”) there is substituted—
- “(a) in relation to the chief constable for a police force in England and Wales, means—
- (i) the person who is the appropriate deputy chief constable for the purposes of section 12A(1) of the Police Act 1996, or
- (ii) a person holding the rank of assistant chief constable who is designated to act under section 12A(2) of that Act;
- (aa) in relation to the chief constable for a police force in Scotland, means—
- (i) a person holding the rank of deputy chief constable and, where there is more than one person in the police force who holds that rank, who is designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of the Police (Scotland) Act 1967, or
- (ii) a person holding the rank of assistant chief constable who is designated to act under section 5A(2) of that Act;”.

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Police Reform Act 2002 (c. 30)

- 40 In section 9 of the Police Reform Act 2002 (the Independent Police Complaints Commission), in subsection (3)(d), after “section 41” there is inserted “or 41A”.
- 41 In section 40 of that Act (community safety accreditation schemes), subsection (7) is omitted.
- 42 In section 41 of that Act (accreditation under community safety accreditation schemes), after subsection (4) there is inserted—
- “(4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.”
- 43 (1) Section 42 of that Act (supplementary provisions relating to designations and accreditations) is amended as follows.
- (2) In subsection (1), after “section 41” there is inserted “or 41A”.
- (3) In subsection (3)—
- (a) after “or 41” there is inserted “or an accreditation to any weights and measures inspector under section 41A”;
- (b) after “accredited person” there is inserted “or the accredited inspector”.
- (4) After subsection (6) there is inserted—
- “(6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.”
- (5) After subsection (10) there is inserted—
- “(11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.”
- 44 (1) Section 46 of that Act (offences against designated and accredited persons etc) is amended as follows.
- (2) In subsections (1) and (2)—
- (a) before the “or” following paragraph (b) there is inserted—
- “(ba) an accredited inspector in the execution of his duty,”;
- (b) in paragraph (c), after “accredited person” there is inserted “or an accredited inspector”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “or an accredited person” there is substituted “, an accredited person or an accredited inspector”;
- (b) in paragraph (b), for “or that he is an accredited person” there is substituted “, that he is an accredited person or that he is an accredited inspector”;
- (c) in paragraph (c), after “accredited person” there is inserted “or as an accredited inspector”.

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- (4) In subsection (4), for “or accredited person” there is substituted “, accredited person or accredited inspector”.
- 45 In section 47 of that Act (interpretation of Chapter 1), in subsection (1) the following definitions are inserted at the appropriate places—
- ““accredited inspector” means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;”;
- ““weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.”
- 46 In section 105 of that Act (powers of Secretary of State to make orders and regulations), in subsection (3)(b), before “or 99(6)” there is inserted “or 41B”.

Railways and Transport Safety Act 2003 (c. 20)

- 47 In section 19 of the Railways and Transport Safety Act 2003 (exercise of functions by British Transport Police Authority)—
- (a) at the end of paragraph (d) there is inserted “and”;
- (b) paragraph (f) is omitted.
- 48 In section 28(1) of that Act (police powers for British Transport Police Authority employees), after paragraph (a) there is inserted—
- “(aa) section 38A (standard powers and duties of community support officers).”
- 49 In section 50 of that Act (policing objectives set by British Transport Police Authority), for paragraphs (c) and (d) of subsection (3) there is substituted “and
- (c) have regard to any strategic priorities determined for that year by the Secretary of State under section 37A of the Police Act 1996 (strategic priorities for police authorities).”
- 50 In section 52 of that Act (railways policing plan), for subsection (7) there is substituted—
- “(7) In preparing a plan the Chief Constable and the Authority shall have regard to any guidance given by the Secretary of State about railways policing plans.
- (7A) Before issuing or revising any guidance under subsection (7) the Secretary of State shall consult—
- (a) the Authority,
- (b) the Chief Constable, and
- (c) such other persons as the Secretary of State thinks fit.”
- 51 (1) Section 55 of that Act (three-year strategy plan) is amended as follows.
- (2) In subsection (1), after “a plan” there is inserted “(“a three-year strategy plan”)”.
- (3) For subsections (2) and (3) there is substituted—
- “(2) Before a three-year strategy plan for any period is issued by the Authority, a draft of a plan setting out medium-term and long-term strategies for policing the railways during that period must have been prepared by the Chief Constable and submitted by him to the Authority for its consideration.

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- (3) In preparing the draft plan, the Chief Constable shall have regard to opinions expressed in accordance with section 62.
- (4) The Authority may modify a three-year strategy plan which it has issued for a particular period at any time during that period.
- (5) The Secretary of State may—
 - (a) issue guidance to the Authority and to the Chief Constable as to—
 - (i) the matters to be contained in any three-year strategy plan, and
 - (ii) the form to be taken by any such plan,and
 - (b) revise and modify that guidance from time to time.
- (6) Before issuing or revising any guidance under subsection (5) the Secretary of State shall consult—
 - (a) the Authority,
 - (b) the Chief Constable, and
 - (c) such other persons as the Secretary of State thinks fit.
- (7) When issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, the Authority or (as the case may be) the Chief Constable shall have regard to—
 - (a) any guidance issued by the Secretary of State under subsection (5),
 - (b) any objectives set by the Secretary of State under section 51 for a financial year falling within the period to which the plan relates,
 - (c) any performance targets set by the Authority under section 53 relating to such objectives, and
 - (d) any strategic priorities determined by the Secretary of State under section 37A of the Police Act 1996 (strategic priorities for police authorities) and applicable during all or part of the period to which the plan relates.
- (8) Where the Authority is proposing to issue or modify any plan under this section, it shall submit that plan, or the modifications, to the Secretary of State.
- (9) Where the Authority issues a three-year strategy plan or modifies such a plan, it shall—
 - (a) send a copy of the plan or the modified plan to the Secretary of State, and
 - (b) cause the plan or modified plan to be published.

The copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.

- (10) If the Secretary of State considers that there are grounds for thinking that—
 - (a) a three-year strategy plan, or
 - (b) any proposals by the Authority for such a plan, or for the modification of such a plan,

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may not be consistent with any of the objectives, targets or priorities mentioned in subsection (7), he shall, before informing the Authority of his conclusions on whether or not the plan or the proposals are in fact so inconsistent, consult the Authority and the Chief Constable.

- (11) The Authority shall consult the Chief Constable before—
- (a) it issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the Chief Constable, or
 - (b) it modifies its three-year strategy plan.
- (12) The Secretary of State may by regulations make provision for the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section.”

- 52 (1) In Schedule 4 to that Act (British Transport Police Authority), in paragraph 11(b) (appointment of clerk), for “a clerk” there is substituted “a chief executive”.
- (2) A person holding office as clerk to the British Transport Police Authority on the commencement of this paragraph continues in that office as chief executive of the authority.

Anti-social Behaviour Act 2003 (c. 38)

53 In the heading to section 25 of the Anti-social Behaviour Act 2003 (parenting contracts in respect of criminal conduct and anti-social behaviour), at the end there is inserted “: **youth offending teams**”.

54 (1) Section 26 of that Act (parenting orders in respect of criminal conduct and anti-social behaviour) is amended as follows.

(2) In the heading, at the end there is inserted “: **youth offending teams**”.

(3) After subsection (8) there is inserted—

“(9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is a member of a youth offending team.”

55 (1) Section 27 of that Act (parenting orders: supplemental) is amended as follows.

(2) In subsections (1) and (2), for “section 26” there is substituted “section 26, 26A or 26B”.

(3) In subsection (1)(a), for “section 25” there is substituted “section 25, 25A or 25B”.

(4) In subsection (3), for “in relation to a parenting order under section 26 as they apply” there is substituted “in relation to—

- (a) a parenting order under section 26,
- (b) a parenting order under section 26A, or
- (c) a parenting order under section 26B,

as they apply”.

(5) After subsection (3) there is inserted—

“(3A) Proceedings for an offence under section 9(7) of the 1998 Act (parenting orders: breach of requirement etc) as applied by subsection (3)(b) above may be brought by—

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- (a) the local authority for the area where the child or young person resides or appears to reside, or
- (b) (if different) the local authority for the area where the person alleged to be in breach resides or appears to reside.”

(6) For subsection (4) there is substituted—

“(4) In carrying out their functions in relation to parenting orders—

- (a) members of youth offending teams,
- (b) local authorities in England,
- (c) registered social landlords on the register maintained by the Housing Corporation, and
- (d) responsible officers in relation to parenting orders made on the application of local authorities in England or of registered social landlords on that register,

must have regard to any guidance which is issued by the Secretary of State from time to time for that purpose.

(4A) In carrying out their functions in relation to parenting orders—

- (a) local authorities in Wales,
- (b) registered social landlords on the register maintained by the National Assembly for Wales, and
- (c) responsible officers in relation to parenting orders made on the application of local authorities in Wales or of registered social landlords on that register,

must have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.”

- 56 (1) Section 28 of that Act (parenting orders: appeals) is amended as follows.
- (2) In subsection (1), for “under section 26” there is substituted “by a magistrates' court under section 26, 26A or 26B”.
- (3) After that subsection there is inserted—
- “(1A) An appeal lies to the High Court against the making of a parenting order by a county court under section 26A or 26B.”
- (4) In subsection (2), for “subsection (1)(b)” there is substituted “subsection (1)”.

57 In section 29(1) of that Act (interpretation of sections 25 to 29), in the definition of “responsible officer”, for the words after “means” there is substituted “the person who is specified as such in the order,”.

Criminal Justice Act 2003 (c. 44)

- 58 In section 25 of the Criminal Justice Act 2003 (code of practice in relation to conditional cautions), at the end of subsection (2) there is inserted—
- “(i) the exercise of the power of arrest conferred by section 24A(1), and
 - (j) who is to decide how a person should be dealt with under section 24A(2).”

Energy Act 2004 (c. 20)

59 In paragraph 1 of Schedule 12 to the Energy Act 2004 (determination of annual objectives for Civil Nuclear Constabulary), for sub-paragraph (3) there is substituted—

“(3) In determining the objectives, the Police Authority must have regard to any strategic priorities determined for that year by the Secretary of State under section 37A of the Police Act 1996 (strategic priorities for police authorities).”

Public Audit (Wales) Act 2004 (c. 23)

60 After section 67 of the Public Audit (Wales) Act 2004 there is inserted—

“67A Assistance by Auditor General to inspectorates

(1) The Auditor General for Wales may provide assistance to—

- (a) Her Majesty’s Chief Inspector of Prisons,
- (b) Her Majesty’s Inspectors of Constabulary,
- (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service,
- (d) Her Majesty’s Inspectorate of the National Probation Service for England and Wales, and
- (e) Her Majesty’s Inspectorate of Court Administration,

in the discharge of any of their functions.

(2) Assistance under subsection (1) may be provided on such terms, including terms as to payment, as the Auditor General for Wales and the body or person in question may agree.”

Constitutional Reform Act 2005 (c. 4)

61 In section 8(4) of the Constitutional Reform Act 2005 (appointment of Head and Deputy Head of Criminal Justice), in paragraph (b) (person appointed must be ordinary judge of Court of Appeal), for “an ordinary judge” there is substituted “a judge”.

Serious Organised Crime and Police Act 2005 (c. 15)

62 After section 75 of the Serious Organised Crime and Police Act 2005 (proceedings under section 74: exclusion of public) there is inserted—

“75A Proceedings under section 74: use of live link

Section 57E of the Crime and Disorder Act 1998 (use of live link in sentencing hearings) applies to hearings in proceedings relating to a reference under section 74(3) as it applies to sentencing hearings.”