

SCHEDULE 1

Article 3

Modifications in the Application of the Police and Criminal Evidence Act 1984 to Designated Persons

1. Except where the contrary intention appears, for any reference to “police officer” or “officer” (in the context of a police officer) there is substituted “designated person”.
- 2.—(1) For section 2(2)(i) (provisions relating to search etc.) there is substituted—
  - “(i) documentary evidence that he is a designated person; and”.
  - (2) In section 2(2)(ii) omit the words “whether he is in uniform or not”.
  - (3) In section 2(3)(a) and (6)(b) for the words “of the police station” there is substituted “and location of the SOCA office”.
  - (4) In section 2(6)(c) for the words “police station” there is substituted “SOCA office”.
  - (5) In section 2(9)—
    - (a) in paragraph (a), for the word “constable” there is substituted “designated person”.
    - (b) in paragraph (b), after the word “uniform” insert “or a designated person”.
3. Section 4 (road checks) is omitted.
- 4.—(1) In section 16(3A)(1) and (3B)(2) (execution of warrants) for the words “police officer of at least the rank of inspector” there is substituted “designated person of at least grade 3”.
- (2) In section 16(5)(a) for the words “, if not in uniform, shall produce to him documentary evidence that he is a constable” there is substituted “shall produce to him documentary evidence that he is a designated person”.
5. For section 17(3)(3) (entry for purpose of arrest) there is substituted—
  - “(3) The powers of entry and search conferred by this section shall not be exercisable for the purposes specified in subsection (1)(c)(ii) and (iv) by a designated person.”.
- 6.—(1) In section 18(4) and (6) (entry and search after arrest) for the words “an officer of the rank of inspector” there is substituted “a designated person of grade 3”.
- (2) Subsections (7) and (8) of section 18 are omitted.
7. In section 21(3)(b) (access and copying) for the words “the police” there is substituted “SOCA”.
8. In section 22(6)(4) (retention) for the words “the police” there is substituted “SOCA”.
9. In section 27(1) (fingerprinting of certain offenders)—
  - (a) in paragraph (c)(i) for the words “the police” there is substituted “SOCA”; and
  - (b) after the words “police station” insert “or SOCA office”.
10. In section 29 (voluntary attendance at police station etc.) after the words “police station”, on each occasion they appear, insert “, SOCA office”.
11. In section 30(4) (arrest elsewhere than at police station) after paragraph (b), insert—
  - “(c) to a designated person”.

(1) Section 16(3A) was inserted by section 113(9)(a) of the 2005 Act.

(2) Section 16(3B) was inserted by section 114(8)(b) of the 2005 Act.

(3) Section 17(3) was amended by paragraph 53(b) of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33).

(4) Section 22(6) was inserted by paragraph 80(1) and (3) of Schedule 14 to the Immigration and Asylum Act 1999.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**12.**—(1) Subsections (2)(a)(**5**), (3) and (5) of section 41 (limits on period of detention without charge) are omitted.

(2) For section 41(2)(b)(i) there is substituted—

“(i) the time at which that person arrives at the first police station to which he is taken in England or Wales; or”.

(3) In section 41(2)(d) omit the words “, except where subsection (5) below applies,”.

**13.** Section 43 (warrants of further detention) is omitted.

**14.** In section 61(3)(b)(**6**), (3A)(**7**) and (4)(**8**) (fingerprinting) for the words “the police” there is substituted “SOCA”.

**15.** In section 61A(**9**)(3)(b) and (4) (impressions of footwear) for the words “the police” there is substituted “SOCA”.

**16.** In section 63(2C)(a)(**10**) and (3A)(b)(**11**) (other samples) for the words “the police” there is substituted “SOCA”.

**17.**—(1) In section 63A(4)(**12**) (fingerprints and samples: supplementary provisions)—

(a) after the words “police station” insert “or SOCA office”; and

(b) in paragraph (a) for the words “the police” there is substituted “SOCA”.

(2) In section 63A(5) after the words “police station” insert “or SOCA office”.

(3) For section 63A(8)(b) there is substituted—

“(b) in the case of a person falling within subsection (4)(b), the designated person in charge of the investigation of the offence of which he was convicted.”

**18.** In section 63B(10)(**13**) (testing for presence of Class A drugs) in the definition of “appropriate adult” in paragraph (c) after the words “police officer” insert “, a member of the staff of SOCA”.

**19.**—(1) In section 64(5)(b)(**14**) (destruction of fingerprints and samples) for the words “any chief officer of police controlling access to computer data relating to the fingerprints or impressions of footwear” there is substituted “if the Director General of SOCA controls access to the computer data relating to the fingerprints or impressions of footwear, he”.

(2) In section 64(6A)(**15**) for the words “responsible chief officer of police” there is substituted “Director General of SOCA”.

**20.** In section 77(3) (confessions by mentally handicapped persons) in the definition of “independent person” at the end insert “or a member of the staff of SOCA”.

**21.** In section 118(1) (general interpretation), after the definition of—

---

(5) Section 41(2) has been amended by section 12 of, and paragraphs 1 and 8 of Schedule 1 to, the Criminal Justice Act 2003 (c. 44).

(6) Section 61(3) was substituted by section 9(1) and (2) of the Criminal Justice Act 2003.

(7) Section 61(3A) was inserted by section 78(3) of the Criminal Justice and Police Act 2001 (c. 16) and has been amended by section 9(1) and (3) of the Criminal Justice Act 2003.

(8) Section 61(4) was substituted by section 9(1) and (2) of the Criminal Justice Act 2003.

(9) Section 61A was inserted by section 118(1) and (2) of the 2005 Act.

(10) Section 63(2C) was inserted by section 10(1) and (2) of the Criminal Justice Act 2003.

(11) Section 63(3A) was inserted by section 55(2) of the Criminal Justice and Public Order Act 1994 and has been amended by section 10(1) and (4) of the Criminal Justice Act 2003.

(12) Section 63A was inserted by section 56 of the Criminal Justice and Public Order Act 1994.

(13) Section 63B was inserted by section 57(1) and (2) of the Criminal Justice and Court Services Act 2000 (c. 43).

(14) Section 64(5) was substituted by section 148 of the Criminal Justice Act 1988 (c. 33) and has been amended by section 118(1) and (4)(h) of the 2005 Act.

(15) Section 64(6A) was inserted by section 148 of the Criminal Justice Act 1988 and has been amended by section 118(1) and (4)(j) of the 2005 Act.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(a) “designated police station”, insert—

““designated person” means a member of the staff of SOCA designated as having the powers of a constable under section 43(1)(a) of the Serious Organised Crime and Police Act 2005;” and

(b) recordable offence“, insert—

““SOCA” means the Serious Organised Crime Agency established under section 1 of, and Schedule 1 to, the Serious Organised Crime and Police Act 2005;

“SOCA office” means a place for the time being occupied by the Serious Organised Crime Agency;”.