

## SCHEDULE 2

Article 12

### PART 1

#### Provisions of the Act applied to investigations conducted, and to persons detained, by designated customs officials

Section 8 (power of justice of the peace to authorise entry and search of premises) (subject to the modifications in articles 17 and 19)

Section 9(1) (special provisions as to access) and Schedule 1 (special procedure)

Section 15 (search warrants-safeguards)

Section 16 (execution of warrants)

Section 17(1)(a)(i), (1)(b), (1)(cb)(i), (1)(d), (2) and (4) (entry for purpose of arrest etc)

Section 18 (entry and search after arrest) (subject to the modification in article 20)

Section 19 (general power of seizure etc)(subject to the modification in article 18(1))

Section 20 (extension of powers of seizure to computerised information)

Section 21 (access and copying) (subject to the modification in article 18(3))

Section 22(1) to (4) and (7) (retention)

Section 24(1) to (5)(c)(iii) and (5)(d) to (5)(f) (arrest without warrant: constables) (subject to the modification in article 16)

Section 28 (information to be given on arrest)

Section 29 (voluntary attendance at police station etc)

Section 30(1) to (4)(a) and (5) to (13) (arrest elsewhere than at police station)(subject to the modification in article 21)

Section 31 (arrest for further offence)

Section 32(1) to (9) (search upon arrest)

Section 34(1) to (5) (limitations on police detention)(**1**)

Section 35 (designated police stations) (subject to the modification in article 22)

Section 36(1), (2), (3) to (6)(c), (7) and (8) to (10) (custody officers at police stations) (subject to the modification in article 23)

Section 37(1) to (8) and (9) to (10) (duties of custody officer before charge)(**2**)

Section 37A (guidance)(**3**)

Section 37B (consultation with the Director of Public Prosecutions)(**4**)

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- (1) Section 34 of the Act was amended by the Criminal Justice and Courts Service Act 2000 (c.43), section 56(2) and the Legal Aid, Punishment and Sentencing of Offenders Act 2012 (c.10), section 135(3), Schedule 24, paragraphs 4 and 5. There are other amendments not relevant to this Order.
  - (2) Section 37 of the Act was amended by the Criminal Justice Act 1991 (c.53), sections 72 and 101(2), Schedule 13; the Criminal Justice and Public Order Act 1994 (c.33), sections 29(4)(a) and 168(3), Schedule 11; the Criminal Justice Act 2003 (c.44), section 28, Schedule 2, paragraphs 1 and 2; and the Police and Justice Act 2006 (c.48), sections 11 and 52, Schedule 14, paragraph 9. There are other amendments not relevant to this Order.
  - (3) Section 37A of the Act was inserted by the Criminal Justice Act 2003 (c.44), section 28, Schedule 2, paragraphs 1 and 3 and amended by the Police and Justice Act 2006 (c.48), section 10, Schedule 6, Part 1, paragraph 1 and Part 3, paragraph 8(2).
  - (4) Section 37B of the Act was inserted by the Criminal Justice Act 2003 (c.44), section 28, Schedule 2, paragraphs 1 and 3 and amended by the Police and Justice Act 2006 (c.48), section 52, Schedule 14, paragraph 10; the Criminal Justice and Immigration Act 2008 (c.4), section 148, Schedule 26, Part 2, paragraph 20(1); the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10), section 135(3), Schedule 24, paragraphs 4 and 6 and section 148, Schedule 26, Part 2, paragraph 20(1)(b). Some of these amendments are not yet in force.

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- Section 39 (responsibilities in relation to persons detained)(5)  
 Section 40(1) to (9) and (11) to (14) (review of police detention)(6)  
 Section 40A(1), (3) and (4) (use of telephone for review under section 40)(7)  
 Section 41(1), (2)(b), (2)(c), (2)(d) and (4) to (9) (limits on period of detention without charge) (subject to the modifications in article 24)  
 Section 42 (authorisation of continued detention) (subject to the modification in article 25)  
 Section 43 (warrants of further detention) (subject to the modification in article 26)  
 Section 44 (extension of warrants of further detention)  
 Section 46 (detention after charge) (subject to the modification in article 27)  
 Section 46A(1) and (1A) to (3) (power of arrest for failure to answer police bail)  
 Section 50 (records of detention) (subject to the modification in article 28)  
 Section 51(b) and (d) (savings)  
 Section 54 (searches of detained persons)(subject to the modification in article 29)  
 Section 54A (searches and examination to establish identity)(8)  
 Section 55(1)(a), (2), (3), (5) to (8), (10) and (11) to (13), (14), (15) and (17) (intimate searches) (subject to the modification in article 30)  
 Section 56 (right to have someone informed when arrested)(9)  
 Section 57 (additional rights of children and young persons)(10)  
 Section 58 (access to legal advice)(11)  
 Section 62(1) to (2) and (3) to (12) (intimate samples)(12)  
 Section 64 (1A), (1B), (3), (3AA), (3AB), (3AC), (3AD) and (7) (destruction of fingerprints and samples) (subject to the modification in article 31)

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- (5) Section 39 of the Act was amended by the Children Act 1989 (c.41), section 108(5), Schedule 13, paragraph 54 and section 108(7), Schedule 15; the Policing and Crime Act 2009 (c.26), section 112, Schedule 7, Part 13, paragraphs 123(1) and Schedule 8, Part 13. There are further amendments to section 39 by section 121(7) of the Serious Organised Crime and Police Act 2005 (c.15), which are not yet in force.
- (6) Section 40 of the Act was amended by the Police Reform Act 2002 (c.30), section 52; and the Criminal Justice Act 2003 (c.44), section 28, Schedule 2, paragraphs 1 and 4.
- (7) Section 40A of the Act was inserted by the Criminal Justice and Police Act 2001 (c.16), section 73(1) and (2) and amended by the Criminal Justice Act 2003 (c.44), section 6.
- (8) Section 54A of the Act was inserted by the Anti-Terrorism, Crime and Security Act 2001 (c.24), section 90(1) and amended by the Police Reform Act 2002 (c.30), section 107(1), Schedule 7, paragraph 9(2); and the Extradition Act 2003 (c.41), section 169(1) and (2).
- (9) Section 56 of the Act was amended by the Drug Trafficking Offences Act 1986 (c.32), section 32(1); the Terrorism Act 2000 (c.11), section 125(1), Schedule 15, paragraphs 5(1) and (5); the Criminal Justice and Police Act 2001 (c.16), section 74; the Proceeds of Crime Act 2002 (c.29), section 456, Schedule 11, paragraphs 1, 14(1) and (2); and the Serious Organised Crime and Police Act 2005 (c.15), section 111, Schedule 7, Part 3, paragraphs 43(1) and (9).
- (10) Section 57 of the Act amends the Children and Young Persons Act 1933 (c.12), section 34, which has subsequently been amended by the Criminal Justice and Immigration Act 2008 (c.4), sections 6(2), 148, Schedule 4, Part 1, paragraphs 1, 2(1) to (3) and Schedule 28, part 1; and the Children Act 1989 (c.41), section 108(5), Schedule 13, paragraph 6 and section 108(7), Schedule 15.
- (11) Section 58 of the Act was amended by the Drug Trafficking Offences Act 1986 (c.32), section 32(2); the Terrorism Act 2000 (c.11), section 125(1), Schedule 15, paragraphs 5(1) and (6); the Proceeds of Crime Act 2002 (c.29), section 456, Schedule 11, paragraphs 1, 14(1) and (3); and the Serious Organised Crime and Police Act 2005 (c.15), section 111, Schedule 7, Part 3, paragraphs 43(1) and (10).
- (12) Section 62 of the Act was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), section 4, Schedule 3, paragraph 27; the Criminal Justice and Public Order Act 1994 (c.33), sections 54(2) to (4), 168(1) to (3), Schedule 9, paragraph 24, and Schedule 10, paragraphs 57(a) and 62(4)(a) and Schedule 11; the Criminal Justice and Courts Service Act 2000 (c.43), section 74, Schedule 7, Part 2, paragraphs 76 and 78; the Terrorism Act 2000 (c.11), section 125(1), Schedule 15, paragraphs 5(1) and (8); the Criminal Justice and Police Act 2001 (c.16), section 80(1); the Police Reform Act 2002 (c.30), sections 53(2) and 54(1); the Criminal Justice Act 2003 (c.44), sections 41, 332, Schedule 3, Part 2, paragraph 56(1) and (2) and Schedule 37, Part 4; and the Crime and Security Act 2010 (c.17), section 4(4) and (5). Some of the amendments made by the Criminal Justice Act 2003 (c.44) are not yet in force and there are further amendments to section 62 not relevant to this Order.

Section 65 (Part V – supplementary)(13)

Section 107 (police officers performing duties of higher rank)

## PART 2

### Substitution of Equivalent Words and Phrases in the Act

<i>Column 1</i>	<i>Column 2</i>
constable (all references)	designated customs official
designated police station (all references, except in section 30)	designated customs office
designated police station (reference at section 30)	designated police station or designated customs office
officer/police officer/officer of a force maintained by a local policing body/officer of a force maintained by a police authority  (except in section 16(10A) to 16(11), section 46(5), (6) and (8), section 55(17), paragraphs 9 to 10 of Schedule 1 and all references to custody officer, detention officer, review officer, immigration officer or officer of Revenue and Customs)	designated customs official
police custody (all references)	customs custody
police detention (all references in sections 22 & 30)	police detention or customs detention
police detention (all other references, except for section 37B(8)(a) and the second reference at section 39(1)(a))	customs detention
police station/station (all references in sections 18, 29, 30, 31, 32 & 46(5))	police station or customs office

(13) There are amendments to section 65 of the Act not relevant to the Order.

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<i>Column 1</i>	<i>Column 2</i>
police station/station (all other references, except for those at section 37B, 46(2), 46(4), 46(7) and 46A)	customs office
Rank (all references)	Grade
the police (all references)	the Secretary of State, the Director of Border Revenue or designated customs officials

### PART 3

#### Equivalent Titles of designated customs officials

<i>Column 1</i>	<i>Column 2</i>
RANK OF CONSTABLE	GRADE OF DESIGNATED CUSTOMS OFFICIAL
Sergeant	Officer
Inspector	Higher officer
Chief Inspector	Higher officer
Superintendent	Senior officer