

SCHEDULES

SCHEDULE 7

Section 111

POWERS OF ARREST: SUPPLEMENTARY

PART 1

SPECIFIC REPEALS

Unlawful Drilling Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 1)

- 1 In section 2 of the Unlawful Drilling Act 1819 (power to disperse unlawful meeting), omit “, or for any other person acting in their aid or assistance,”.

Vagrancy Act 1824 (c. 83)

- 2 Section 6 of the Vagrancy Act 1824 (power to apprehend) shall cease to have effect.

Railway Regulation Act 1842 (c. 55)

- 3 Section 17 of the Railway Regulation Act 1842 (punishment of persons guilty of misconduct) shall cease to have effect.

Companies Clauses Consolidation Act 1845 (c. 16)

- 4 In section 156 of the Companies Clauses Consolidation Act 1845 (transient offenders), omit “, and all persons called by him to his assistance,”.

Railways Clauses Consolidation Act 1845 (c. 20)

- 5 (1) The Railways Clauses Consolidation Act 1845 is amended as follows.
(2) Section 104 (detention of offenders) shall cease to have effect.
(3) Section 154 (transient offenders) shall cease to have effect.

Licensing Act 1872 (c. 94)

- 6 In section 12 of the Licensing Act 1872 (penalty on persons found drunk), omit “may be apprehended, and”.

Public Stores Act 1875 (c. 25)

- 7 In section 12 of the Public Stores Act 1875 (powers of arrest and search), omit subsection (1).

Status: This is the original version (as it was originally enacted).

London County Council (General Powers) Act 1894 (c. ccxii)

- 8 In section 7 of the London County Council (General Powers) Act 1894 (arrest for breach of byelaws), omit “and any person called to the assistance of such constable or person authorised”.

London County Council (General Powers) Act 1900 (c. cclxviii)

- 9 In section 27 of the London County Council (General Powers) Act 1900 (arrest for breach of byelaws), omit “and any person called to the assistance of such constable or officer”.

Licensing Act 1902 (c. 28)

- 10 (1) The Licensing Act 1902 is amended as follows.
- (2) In section 1 (apprehension of persons found drunk), omit “apprehended and”.
- (3) In section 2 (being drunk in charge of a child), in subsection (1), omit “may be apprehended, and”.

Protection of Animals Act 1911 (c. 27)

- 11 In section 12 of the Protection of Animals Act 1911 (powers of constables), omit subsection (1).

Official Secrets Act 1911 (c. 28)

- 12 Section 6 of the Official Secrets Act 1911 (power of arrest) shall cease to have effect.

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 13 In section 7 of the Public Order Act 1936 (enforcement), omit subsection (3).

Street Offences Act 1959 (c. 57)

- 14 In section 1 of the Street Offences Act 1959 (loitering or soliciting for purposes of prostitution), omit subsection (3).

Criminal Justice Act 1967 (c. 80)

- 15 In section 91 of the Criminal Justice Act 1967 (drunkenness in a public place), in subsection (1), omit “may be arrested without warrant by any person and”.

Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)

- 16 In Article 19 (power of detention) of the Order set out in the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967, omit “and any person called to the assistance of such constable or officer”.

Theft Act 1968 (c. 60)

- 17 In section 25 of the Theft Act 1968 (going equipped for stealing etc.), omit subsection (4).

Port of London Act 1968 (c. xxxii)

- 18 Section 170 of the Port of London Act 1968 (power of arrest) shall cease to have effect.

Criminal Law Act 1977 (c. 45)

- 19 (1) The Criminal Law Act 1977 is amended as follows.
- (2) In section 6 (violence for securing entry), omit subsection (6).
- (3) In section 7 (adverse occupation of residential premises), omit subsection (6).
- (4) In section 8 (trespassing with a weapon of offence), omit subsection (4).
- (5) In section 9 (trespassing on premises of foreign missions, etc.), omit subsection (7).
- (6) In section 10 (obstruction of certain officers executing process), in subsection (5), omit “A constable in uniform,”.

Theft Act 1978 (c. 31)

- 20 In section 3 of the Theft Act 1978 (making off without payment), omit subsection (4).

Animal Health Act 1981 (c. 22)

- 21 (1) The Animal Health Act 1981 is amended as follows.
- (2) In section 61 (powers of arrest as to rabies), omit subsection (1).
- (3) In section 62 (entry and search under section 61), omit subsection (1).

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

- 22 In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), omit paragraph 24.

Aviation Security Act 1982 (c. 36)

- 23 In section 28 of the Aviation Security Act 1982 (byelaws for designated airports), omit subsection (3).

Police and Criminal Evidence Act 1984 (c. 60)

- 24 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 118 (general interpretation), in subsection (1), omit the definition of “arrestable offence”.
- (3) Schedule 1A (specific offences which are arrestable offences) shall cease to have effect.

Status: This is the original version (as it was originally enacted).

- (4) In Schedule 2 (preserved powers of arrest), the following are omitted—
the entry relating to the Military Lands Act 1892 (c. 43),
the entry relating to the Protection of Animals Act 1911 (c. 27),
the entry relating to the Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6),
the entry relating to the Street Offences Act 1959 (c. 57),
the entry relating to the Criminal Law Act 1977 (c. 45),
the entry relating to the Animal Health Act 1981 (c. 22).

Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)

- 25 In section 7 of the Sporting Events (Control of Alcohol etc.) Act 1985 (powers of enforcement), in subsection (2), omit “, and may arrest such a person”.

Public Order Act 1986 (c. 64)

- 26 (1) The Public Order Act 1986 is amended as follows.
- (2) In section 3 (affray), omit subsection (6).
- (3) In section 4 (fear or provocation of violence), omit subsection (3).
- (4) In section 4A (intentional harassment, alarm or distress), omit subsection (4).
- (5) In section 5 (harassment, alarm or distress), omit subsections (4) and (5).
- (6) In section 12 (imposing conditions on public processions), omit subsection (7).
- (7) In section 13 (prohibiting public processions), omit subsection (10).
- (8) In section 14 (imposing conditions on public assemblies), omit subsection (7).
- (9) In section 14B (offences in connection with trespassory assemblies), omit subsection (4).
- (10) In section 14C (stopping persons from proceeding to trespassory assemblies), omit subsection (4).
- (11) In section 18 (use of words or behaviour or display of written material), omit subsection (3).

Road Traffic Act 1988 (c. 52)

- 27 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 4 (driving etc. under influence of drink or drugs), omit subsections (6) to (8).
- (3) In section 163 of the Road Traffic Act 1988 (power of police to stop vehicles), omit subsection (4).
- (4) The repeal of section 4(8) extends also to Scotland.

Football Spectators Act 1989 (c. 37)

- 28 In section 2 of the Football Spectators Act 1989 (offences relating to unauthorised attendance at designated football matches), omit subsection (4).

Transport and Works Act 1992 (c. 42)

- 29 In section 30 of the Transport and Works Act 1992 (powers of arrest and entry), omit subsections (1) and (3).

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 30 In section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 (intimidation or annoyance), omit subsection (3).

Criminal Justice and Public Order Act 1994 (c. 33)

- 31 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 61 (power to remove trespassers on land), omit subsection (5).
- (3) In section 62B (failure to comply with direction under section 62A), omit subsection (4).
- (4) In section 63 (powers to remove persons attending or preparing for a rave), omit subsection (8).
- (5) In section 65 (raves: powers to stop persons from proceeding), omit subsection (5).
- (6) In section 68 (offence of aggravated trespass), omit subsection (4).
- (7) In section 69 (powers to remove persons committing or participating in aggravated trespass), omit subsection (5).
- (8) In section 76 (interim possession orders: trespassing during currency of order), omit subsection (7).

Reserve Forces Act 1996 (c. 14)

- 32 In Schedule 2 to the Reserve Forces Act 1996 (deserters and absentees without leave), omit paragraph 2(1).

Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)

- 33 In section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of alcohol), omit subsection (5).

Crime and Disorder Act 1998 (c. 37)

- 34 In section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated public order offences), omit subsections (2) and (3).

Criminal Justice and Police Act 2001 (c. 16)

- 35 In the Criminal Justice and Police Act 2001—

Status: This is the original version (as it was originally enacted).

- (a) in section 42 (police directions stopping harassment etc. of a person in his home), omit subsection (8),
- (b) in section 47 (application of offences relating to prostitution advertising to public structures), omit subsection (3).

Anti-social Behaviour Act 2003 (c. 38)

- 36 In the Anti-social Behaviour Act 2003—
- (a) in section 4 (closure of premises: offences), omit subsection (5),
 - (b) in section 32 (supplementary provisions about powers relating to dispersal of groups and removal of persons under 16 to their homes), omit subsection (3).

Hunting Act 2004 (c. 37)

- 37 Section 7 of the Hunting Act 2004 (arrest) shall cease to have effect.

PART 2

GENERAL REPEAL

- 38 So much of the enactments set out in the second column of the Table below as confers a power of arrest without warrant upon—
- (a) a constable, or
 - (b) persons in general (as distinct from persons of any description specified in or for the purposes of the enactment),
- shall cease to have effect to the extent that it is not already spent.

<i>Short title and chapter</i>	<i>Enactment affected</i>
Unlawful Drilling Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 1)	Section 2 (power to disperse unlawful meeting).
Military Lands Act 1892 (c. 43)	Section 17(2) (powers relating to breaches of byelaws).
London County Council (General Powers) Act 1894 (c. cexii)	Section 7 (arrest for breach of byelaws).
London County Council (General Powers) Act 1900 (c. cclxviii)	Section 27 (arrest for breach of byelaws).
Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)	Article 19 (power of detention) of the Order set out in the Schedule.
Theft Act 1968 (c. 60)	In Schedule 1 (offences of taking or destroying fish), paragraph 2(4).
Lotteries and Amusements Act 1976 (c. 32)	In section 19 (search warrants), the second paragraph (b).

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter</i>	<i>Enactment affected</i>
Animal Health Act 1981 (c. 22)	Section 60 (duties and authorities of constables).

PART 3

AMENDMENTS RELATING TO REFERENCES TO ARRESTABLE OFFENCES AND SERIOUS ARRESTABLE OFFENCES

Criminal Law Act 1826 (c. 64)

- 39 In section 28 of the Criminal Law Act 1826 (which confers power to order the payment of compensation to those who have helped apprehend an offender), for “an arrestable offence” substitute “an indictable offence”.

Criminal Law Act 1967 (c. 58)

- 40 (1) The Criminal Law Act 1967 is amended as follows.
- (2) In section 4 (penalties for assisting offenders)—
- (a) in subsection (1)—
- (i) for “an arrestable offence” substitute “a relevant offence”,
- (ii) for “other arrestable offence” substitute “other relevant offence”,
- (b) for subsection (1A) substitute—
- “(1A) In this section and section 5 below, “relevant offence” means—
- (a) an offence for which the sentence is fixed by law,
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of five years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates' Courts Act 1980).”,
- (c) in subsection (2), for “an arrestable offence” substitute “a relevant offence”.
- (3) In section 5 (penalties for concealing offences or giving false information), in subsection (1)—
- (a) for “an arrestable offence” substitute “a relevant offence”,
- (b) for “other arrestable offence” substitute “other relevant offence”.

Port of London Act 1968 (c. xxxii)

- 41 (1) The Port of London Act 1968 is amended as follows.
- (2) In section 2 (interpretation), omit the definition of “arrestable offence”.
- (3) In section 156 (powers of constables), in subsection (2), for “arrestable”, in each place where it occurs, substitute “indictable”.

Solicitors Act 1974 (c. 47)

- 42 (1) The Solicitors Act 1974 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In section 13A (imposition of conditions while practising certificates are in force), in subsection (2)(d), for sub-paragraph (ii) substitute—
“*(ii) an indictable offence.*”
- (3) In section 13B (suspension of practising certificates where solicitors convicted of fraud or serious crime), in subsection (1)(a), for sub-paragraph (ii) substitute—
“*(ii) an indictable offence; and*”.

Police and Criminal Evidence Act 1984 (c. 60)

- 43 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 4 (road checks)—
 - (a) for “a serious arrestable offence”, in each place where it occurs, substitute “an indictable offence”,
 - (b) in subsection (14), for “serious arrestable offence” substitute “indictable offence”.
 - (3) In section 8 (powers to authorise entry and search), for “a serious arrestable offence”, in both places, substitute “an indictable offence”.
 - (4) In section 17 (entry for purpose of arrest etc.), in subsection (1)(b), for “arrestable” substitute “indictable”.
 - (5) In section 18 (entry and search after arrest), in subsection (1), for “arrestable”, in both places, substitute “indictable”.
 - (6) In section 32 (search upon arrest), in subsection (2), for paragraph (b) substitute—
“*(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.*”
 - (7) In section 42 (authorisation of continued detention), in subsection (1)(b), for “arrestable” substitute “indictable”.
 - (8) In section 43 (warrants of further detention), in subsection (4)(b), for “a serious arrestable offence” substitute “an indictable offence”.
 - (9) In section 56 (right to have someone informed when arrested)—
 - (a) in each of subsections (2)(a) and (5)(a), for “a serious arrestable offence” substitute “an indictable offence”,
 - (b) in subsection (5A)(a), for “the serious arrestable offence” substitute “the indictable offence”.
 - (10) In section 58 (access to legal advice)—
 - (a) in each of subsections (6)(a) and (8)(a), for “a serious arrestable offence” substitute “an indictable offence”,
 - (b) in subsection (8A)(a), for “the serious arrestable offence” substitute “the indictable offence”.
 - (11) In section 114A (power to apply Act to officers of Secretary of State), in subsection (2)(c), for “a serious arrestable offence”, in both places, substitute “an indictable offence”.

Status: This is the original version (as it was originally enacted).

- (12) Section 116 (meaning of “serious arrestable offence”) shall cease to have effect.
- (13) In Schedule 1 (special procedure material), in paragraph 2(a)(i), for “a serious arrestable offence” substitute “an indictable offence”.
- (14) Schedule 5 (serious arrestable offences) shall cease to have effect.

Administration of Justice Act 1985 (c. 61)

- 44 In section 16 of the Administration of Justice Act 1985 (conditional licences for licensed conveyancers), in subsection (1)(ia), for “a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984)” substitute “an indictable offence”.

Housing Act 1985 (c. 68)

- 45 In Part 1 of Schedule 2 to the Housing Act 1985 (which sets out grounds upon which a court may, if it considers it reasonable, order possession of dwelling-houses let under secure tenancies), in Ground 2, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

Housing Act 1988 (c. 50)

- 46 In Part 2 of Schedule 2 to the Housing Act 1988 (which sets out grounds on which a court may order possession of dwelling-houses let on assured tenancies), in Ground 14, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 47 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 137 (cross-border powers of arrest etc.)—
 - (a) in subsection (1), for “conditions applicable to this subsection are” substitute “condition applicable to this subsection is”,
 - (b) for subsection (4) substitute—
 - “(4) The condition applicable to subsection (1) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in England and Wales.”,
 - (c) in subsection (9), for the definition of ““arrestable offence” and “designated police station”” substitute—
 - ““arrestable offence” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (“the 1989 Order”);
 - “designated police station” has the same meaning as in the Police and Criminal Evidence Act 1984 or, in relation to Northern Ireland, as in the 1989 Order; and”.
- (3) In section 138 (provisions supplementing section 137), in subsection (3), for “subsections (4)(b) and (6)(b)” substitute “subsection (6)(b)”.

Status: This is the original version (as it was originally enacted).

(4) In section 140 (reciprocal powers of arrest), in subsection (1), for “section 24(6) or (7) or 25” substitute “section 24”.

(5) This paragraph extends to the whole of the United Kingdom.

Terrorism Act 2000 (c. 11)

48 (1) In Schedule 8 to the Terrorism Act 2000 (detention), in paragraph 8 (which relates to the rights of a person detained under Schedule 7 to or section 41 of that Act)—

- (a) in sub-paragraph (4), for “serious arrestable offence”, in each place where it occurs, substitute “serious offence”,
- (b) in sub-paragraph (9), for the words before paragraph (a) substitute “In this paragraph, references to a “serious offence” are (in relation to England and Wales) to an indictable offence, and (in relation to Northern Ireland) to a serious arrestable offence within the meaning of Article 87 of the Police and Criminal Evidence (Northern Ireland) Order 1989; but also include—”.

(2) This paragraph extends to the whole of the United Kingdom.

International Criminal Court Act 2001 (c. 17)

49 (1) The International Criminal Court Act 2001 is amended as follows.

(2) In section 33 (entry, search and seizure), in subsection (2), for “a serious arrestable offence” substitute “(in the case of Part 2 of the 1984 Act) to an indictable offence or (in the case of Part III of the 1989 Order) to a serious arrestable offence”.

(3) In section 55 (meaning of “ancillary offence” under the law of England and Wales), in subsection (5), in each of paragraphs (a) and (b), for “an arrestable offence” substitute “a relevant offence”.

(4) This paragraph extends to England and Wales and to Northern Ireland (but not to Scotland).

Armed Forces Act 2001 (c. 19)

50 In section 5 of the Armed Forces Act 2001 (power of judicial officer to authorise entry and search of certain premises), in subsection (2)(a), for “a serious arrestable offence for the purposes of the 1984 Act” substitute “an indictable offence”.

This paragraph has the same extent as the Armed Forces Act 2001.

Crime (International Co-operation) Act 2003 (c. 32)

51 (1) The Crime (International Co-operation) Act 2003 is amended as follows.

(2) In section 16 (extension of statutory search powers in England and Wales and Northern Ireland), in subsection (1)—

- (a) for “serious arrestable offences” substitute “indictable offences”,
- (b) in paragraph (b), for “a serious arrestable offence” substitute “an indictable offence”.

(3) In section 17 (warrants in England and Wales or Northern Ireland), in subsection (3)

- (a) for paragraph (b) substitute—
 - “(b) the conduct constituting the offence which is the subject of the proceedings or investigation would (if it occurred in England and Wales) constitute an indictable offence, or (if it occurred in Northern Ireland) constitute an arrestable offence, and”
 - (b) in the definition of “arrestable offence”, omit the words “the Police and Criminal Evidence Act 1984 (c. 60) or (as the case may be)”.
- (4) This paragraph extends to the whole of the United Kingdom.

PART 4

OTHER AMENDMENTS

Game Laws (Amendment) Act 1960 (c. 36)

- 52 (1) The Game Laws (Amendment) Act 1960 is amended as follows.
- (2) In section 2 (power of police to enter on land), in subsection (1)(b), for “section 25” substitute “section 24”.
 - (3) In section 4 (further provisions as to seizure and forfeiture), in subsection (1), for “section 25” substitute “section 24”.

Immigration Act 1971 (c. 77)

- 53 In section 28A of the Immigration Act 1971 (arrest without warrant), in each of subsections (1) and (9A), for “A constable or” substitute “An”.

Customs and Excise Management Act 1979 (c. 2)

- 54 In section 138 of the Customs and Excise Management Act 1979 (provisions about arrest), in subsection (4)(b), after “section 24” insert “or 24A”.
- This paragraph has the same extent as that Act.

Animal Health Act 1981 (c. 22)

- 55 (1) The Animal Health Act 1981 is amended as follows.
- (2) In section 61 (powers of arrest as to rabies)—
 - (a) in subsection (2), after “applies” insert “for the purposes of section 17(1) (caa) of the Police and Criminal Evidence Act 1984”;
 - (b) for the heading substitute “Powers of entry and search in relation to rabies offences”.
 - (3) For the heading to section 62 (entry and search under section 61) substitute “Entry and search in exercise of powers to seize animals”.

Wildlife and Countryside Act 1981 (c. 69)

- 56 In section 19 of the Wildlife and Countryside Act 1981 (enforcement), in subsection (2), for “section 25” substitute “section 24”.

This paragraph extends also to Scotland.

Aviation Security Act 1982 (c. 36)

- 57 In section 13 of the Aviation Security Act 1982 (power to require aerodrome managers to promote searches at airports), in subsection (5)(a), for “25” substitute “24A”.

This paragraph has the same extent as that Act.

Police and Criminal Evidence Act 1984 (c. 60)

- 58 In section 17 of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc.), in subsection (1)—

- (a) for paragraph (c)(iia) substitute—

“(iia) section 4 (driving etc. when under influence of drink or drugs) or 163 (failure to stop when required to do so by constable in uniform) of the Road Traffic Act 1988;

(iib) section 27 of the Transport and Works Act 1992 (which relates to offences involving drink or drugs);”,

- (b) after paragraph (ca) insert—

“(caa) of arresting a person for an offence to which section 61 of the Animal Health Act 1981 applies;”,

Road Traffic Act 1988 (c. 52)

- 59 In section 184 of the Road Traffic Act 1988 (application of sections 5 to 10 of that Act to persons subject to service discipline), for subsection (2) substitute—

“(2) A member of the provost staff may arrest a person for the time being subject to service discipline without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under section 4.

(2A) The power conferred by subsection (2) is exercisable outside as well as within Great Britain.”

Aviation and Maritime Security Act 1990 (c. 31)

- 60 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (10)(a), for “25” substitute “24A”.

This paragraph has the same extent as that Act.

Deer Act 1991 (c. 54)

- 61 In section 12 of the Deer Act 1991 (powers of search, arrest and seizure), in subsection (2)(b), for “section 25” substitute “section 24”.

Gangmasters (Licensing) Act 2004 (c. 11)

- 62 The Gangmasters (Licensing) Act 2004 is amended as follows—
- (a) in section 14 (offences: supplementary), in subsection (1), for “section 24(4) and (5)” substitute “section 24A”,
 - (b) in Schedule 2 (application of Act to Northern Ireland), in paragraph 14, for “section 24(4) and (5)” substitute “section 24A”.

This paragraph has the same extent as that Act.

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

- 63 The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 is amended as follows—
- (a) in section 2 (entering U.K. without passport, etc.), in subsection (10), for “a constable or” substitute “an”,
 - (b) in section 35 (deportation or removal: cooperation), in subsection (5), for “a constable or” substitute “an”.