

POLICE AND JUSTICE ACT 2006

EXPLANATORY NOTES

SUMMARY

Part 1 – Police Reform

4. [Section 1](#) and Schedule 1 establish the National Policing Improvement Agency, a new body that will be formed to replace Centrex (the Central Police Training and Development Authority) and PITO (the Police Information Technology Organisation). [Section 2](#) and Schedule 2 make amendments to the Police Act 1996 regarding the composition and functions of police authorities and other matters. [Section 3](#) amends the Local Government Act 1972 to enable police authorities to delegate their functions in respect of only part of their area. [Section 4](#) makes provision regarding police authorities as best value authorities. [Section 5](#) and Schedule 3 make provision to enable police pension schemes to be merged. [Section 6](#) and Schedule 4 provide for the Secretary of State to consult with the Association of Police Authorities (APA) and the Association of Chief Police Officers (ACPO) before exercising certain powers in relation to policing. [Sections 7 to 9](#) standardise the powers of Community Support Officers (CSOs) and provide a new power in relation to dealing with truancy. [Schedule 5](#) makes amendments consequential on the new standard powers of CSOs and other minor amendments in connection with the exercise of police powers by police staff.

Part 2 – Powers of police etc.

5. [Sections 10 to 12](#) and Schedule 6 amend the powers in the Police and Criminal Evidence Act 1984 on police bail and detention pending charging and confer greater powers on police officers to stop and search at aerodromes. [Section 13](#) makes provision for the Registrar General to supply information from death registers to the police and certain other organisations. [Section 14](#) extends powers in the Immigration, Asylum and Nationality Act 2006 to collect travel information on domestic flights and voyages. [Sections 15 and 16](#) and Schedule 7 amend Chapter 1 of Part 4 of the Police Reform Act 2002 (exercise of police powers by civilians) so as to provide for the issuing of fixed penalty notices for disorder by accredited weights and measures inspectors (commonly known as Trading Standards Officers (TSOs)) and other specified persons. [Sections 17 and 18](#) relate to conditional cautions. [Section 17](#) amends the Criminal Justice Act 2003 to provide that the conditions attached to a conditional caution may be punitive and makes provision in respect of conditions in the form of financial penalties and requirements to attend at a particular time or place. [Section 18](#) gives the police a power of arrest for breach of a conditional caution.

Part 3 – Crime and anti-social behaviour

6. [Sections 19 to 22](#) and Schedules 8 and 9 require local authorities to have a committee to scrutinise the way in which persons and bodies responsible for tackling crime and disorder discharge their functions, and amend the Crime and Disorder Act 1998. [Sections 23 to 25](#) amend the provisions on parenting contracts and parenting orders in the Anti-social Behaviour Act 2003 to provide that local authorities and registered social landlords can enter into parenting contracts and apply for parenting

orders. Sections 26 and 27 and Schedule 10 amend the Housing Act 1996 and the Local Government Act 1972 to alter the provisions relating to anti-social behaviour injunctions.

Part 4 – Inspectorates

7. **Part 4** (sections 28 to 33) makes provision about each of the five justice sector inspectorates (Her Majesty's Chief Inspector of Prisons, Her Majesty's Inspectors of Constabulary, Her Majesty's Chief Inspector of the Crown Prosecution Service, Her Majesty's Chief Inspector of the National Probation Service for England and Wales and Her Majesty's Inspectorate of Court Administration) in respect of the delegation of functions, inspection programmes and frameworks, inspections by other inspectors of organisations within each inspectorate's remit, cooperation, joint action and assistance for other public authorities.

Part 5 – Miscellaneous

8. **Section 34** makes provisions in relation to sentences of imprisonment for bail offences. Sections 35 to 38 introduce increased penalties and new offences regarding computer misuse in relation to cybercrime. Sections 39 and 40 and Schedules 11 and 12 amend the Protection of Children Act 1978 and the Protection of Children (Northern Ireland) Order 1978 to enable the forfeiture of indecent photographs of children irrespective of the power they have been seized under. Section 41 gives a new power to the Secretary of State to confer functions on the Independent Police Complaints Commission (IPCC) which would enable the Commission to investigate complaints and alleged misconduct regarding the exercise of immigration and asylum enforcement functions, in the same way as it currently investigates the police. Sections 42 and 43 and Schedule 13 make a number of amendments to extradition legislation regarding persons unlawfully at large, transfer from International Criminal Court, remand and extradition of persons serving a sentence in the United Kingdom, remands in connection with appeal proceedings, time limits and warrants, etc. Section 44 provides for the transfer of prisoners under international arrangements without their consent. Sections 45 to 48 provide for the use of live links at certain preliminary, sentencing and appeal hearings.

Part 6 – Supplemental

9. **Part 6** deals with the making of orders and regulations under the Act, contains consequential amendments and repeals of existing legislation, and provides for the commencement of the Act.