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SCHEDULES

VALID FROM 01/04/2007

SCHEDULE 1

Section 1

NATIONAL POLICING IMPROVEMENT AGENCY

PART 1

OBJECTS AND POWERS

The Agency's objects

- 1 The objects of the Agency are—
- (a) the identification, development and promulgation of good practice in policing;
 - (b) the provision to listed police forces of expert advice about, and expert assistance in connection with, operational and other policing matters;
 - (c) the identification and assessment of—
 - (i) opportunities for, and
 - (ii) threats to,police forces within the meaning given by section 101 of the Police Act 1996 (c. 16) (police forces for police areas in England and Wales), and the making of recommendations to the Secretary of State in the light of its assessment of any opportunities and threats;
 - (d) the international sharing of understanding of policing issues;
 - (e) the provision of support to listed police forces in connection with—
 - (i) information technology,
 - (ii) the procurement of goods, other property and services, and
 - (iii) training and other personnel matters;
 - (f) the doing of all such other things as are incidental or conducive to the attainment of any of the objects mentioned in paragraphs (a) to (e).

The Agency's principal power

- 2 (1) The Agency may do anything it considers appropriate for the attainment of its objects, subject to sub-paragraphs (4) and (5).
- (2) In exercise of the power under sub-paragraph (1), the Agency—
- (a) for the purpose of providing such support to listed police forces as is mentioned in paragraph 1(e)—
 - (i) may carry on activities itself with a view to forces making use of what is provided through the carrying-on of the activities,

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- (ii) may support forces in their carrying-on of activities themselves, and
- (iii) may support forces in any other way the Agency considers appropriate; and
- (b) may (subject to sub-paragraph (4)) accept gifts, and loans, of money and other property.
- (3) The terms on which the Agency accepts a gift or loan of money or other property may (in particular) include provision for the commercial sponsorship of any activity of the Agency.
- (4) The Agency may borrow money or other property only with the consent of the Secretary of State.
- (5) In the case of a restrictedly listed police force, the Agency may provide advice, assistance or support to or for the force only with the agreement of—
 - (a) the entity within paragraph 3(3)(k) to (r) that is comprised in the force,
 - (b) the person whose control that entity is under, or
 - (c) the authority responsible for maintaining that entity.
- (6) Sub-paragraphs (2) and (3) are to be taken not to prejudice the generality of sub-paragraph (1).

Meaning of “listed police force” and “restrictedly listed police force” in paragraphs 1 and 2

- 3 (1) In paragraphs 1 and 2(2) “listed police force” means an entity within sub-paragraph (3), together with persons employed for the purposes of the entity.
- (2) In paragraph 2(5) “restrictedly listed police force” means an entity within sub-paragraph (3)(k) to (r), together with persons employed for the purposes of the entity.
- (3) Those entities are—
 - (a) any police force within the meaning given by section 101 of the Police Act 1996 (c. 16) (police forces for police areas in England and Wales), including the cadets and special constables under the control of the chief officer of police of that force,
 - (b) the Serious Organised Crime Agency,
 - (c) the Ministry of Defence Police,
 - (d) the Royal Navy Regulating Branch,
 - (e) the Royal Military Police,
 - (f) the Royal Air Force Police,
 - (g) the Royal Marines Police,
 - (h) the British Transport Police Force, including the cadets and special constables under the direction and control of the chief constable of that force,
 - (i) the Civil Nuclear Constabulary,
 - (j) any person who under sub-paragraph (4) is to be treated as a listed police force,

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- (k) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77), including the cadets under the control of the chief constable of that force,
- (l) the Scottish Police Services Authority and any institution, organisation or other body established and maintained by the Authority,
- (m) the Police Service of Northern Ireland,
- (n) the Police Service of Northern Ireland Reserve,
- (o) the States of Jersey Police Force,
- (p) the salaried police force of the Island of Guernsey,
- (q) the Isle of Man Constabulary, and
- (r) any person who is engaged outside the United Kingdom in the carrying-on of activities similar to any carried on by a police force within the meaning given by section 101 of the Police Act 1996 (c. 16).

- (4) The Secretary of State may by order provide for a person specified in the order, or of a description so specified, to be treated as being a listed police force for the purposes of paragraphs 1 and 2(2).

Consultation: exercise of powers in relation to Scotland or Northern Ireland

- 4 (1) The Agency must consult the Scottish consultees—
- (a) before doing anything in relation to any of the persons mentioned in sub-paragraph (2) in exercise of its power under paragraph 2(1), and
 - (b) before doing anything in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power.
- (2) Those persons are—
- (a) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77),
 - (b) cadets under the control of the chief constable of such a force,
 - (c) persons employed for the purposes of such a force,
 - (d) the Scottish Police Services Authority, and
 - (e) any institution, organisation or other body established and maintained by that Authority.
- (3) In sub-paragraph (1) “the Scottish consultees” means—
- (a) the Scottish Police Services Authority, and
 - (b) persons whom the Agency considers to represent the interests of chief constables of police forces in Scotland.
- (4) The Agency must consult the Secretary of State—
- (a) before doing anything in relation to any of the persons mentioned in sub-paragraph (5) in exercise of its power under paragraph 2(1), and
 - (b) before doing anything in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power.
- (5) Those persons are—
- (a) the Police Service of Northern Ireland,
 - (b) the Police Service of Northern Ireland Reserve, and
 - (c) persons employed for the purposes of either (or both) of those bodies.

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Annual plans

- 5
- (1) Before the beginning of each financial year the Agency must prepare a plan setting out how it intends during that year to exercise its powers.
 - (2) The plan for a financial year (“the plan”) must state—
 - (a) any priorities that the Agency has determined for that year,
 - (b) any current strategic priorities determined by the Secretary of State under paragraph 6,
 - (c) any current performance targets established by the Agency, and
 - (d) the financial resources that are expected to be available to the Agency for that year.
 - (3) Priorities within sub-paragraph (2)(a)—
 - (a) may relate to matters to which strategic priorities determined under paragraph 6 also relate, or
 - (b) may relate to other matters,
 but in any event must be so framed as to be consistent with strategic priorities determined under that paragraph.
 - (4) The plan must state, in relation to each priority within sub-paragraph (2)(a) or (b), how the Agency intends to give effect to that priority.
 - (5) The Agency must arrange for the plan to be published in such manner as it considers appropriate.
 - (6) The Agency must send a copy of the plan to—
 - (a) the Secretary of State,
 - (b) the police authority for each police area in England and Wales,
 - (c) the chief officer of police of each police force in England and Wales, and
 - (d) such other persons as the Agency considers appropriate.
 - (7) Before finalising the plan, the Agency must consult—
 - (a) the Secretary of State,
 - (b) the Association of Police Authorities,
 - (c) the Association of Chief Police Officers, and
 - (d) such other persons as the Agency considers appropriate.

Strategic priorities

- 6
- (1) The Secretary of State may determine strategic priorities for the Agency.
 - (2) Before determining any such priorities the Secretary of State must consult—
 - (a) the Agency,
 - (b) the Association of Chief Police Officers, and
 - (c) the Association of Police Authorities.
 - (3) Sub-paragraph (2)(b) and (c) do not apply in relation to strategic priorities for the Agency so far as the priorities relate—
 - (a) to the doing of things by the Agency in relation to any of the persons mentioned in sub-paragraph (4) in exercise of its power under paragraph 2(1), or

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(b) to the doing of things by the Agency in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power,

but before determining any such priorities so far as so relating, the Secretary of State must consult the Scottish Ministers.

(4) Those persons are—

- (a) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77),
- (b) cadets under the control of the chief constable of such a force,
- (c) persons employed for the purposes of such a force,
- (d) the Scottish Police Services Authority, and
- (e) any institution, organisation or other body established and maintained by that Authority.

(5) The Secretary of State must arrange for any priorities determined under this paragraph to be published in such manner as he considers appropriate.

PART 2

MEMBERSHIP ETC

Chairman and other members

- 7 (1) The Agency is to consist of—
- (a) a chairman appointed by the Secretary of State,
 - (b) the chief executive of the Agency, and
 - (c) other members appointed by the Secretary of State.
- (2) Before appointing the chairman of the Agency, the Secretary of State must consult—
- (a) the Association of Police Authorities, and
 - (b) the Association of Chief Police Officers.
- (3) The Secretary of State may not appoint a person to be chairman of the Agency for more than five years at a time.
- (4) The Secretary of State must exercise his power under sub-paragraph (1)(c) to ensure that at all times the members appointed under that provision include—
- (a) at least one member nominated by the Association of Police Authorities,
 - (b) at least one member nominated by the Association of Chief Police Officers, and
 - (c) at least one member of Her Majesty's Home Civil Service.
- (5) The Secretary of State may not under sub-paragraph (1)(c) appoint a person to be a member of the Agency for more than five years at a time.
- (6) In this Part of this Schedule “appointed member” means—
- (a) the chairman of the Agency, or
 - (b) a member appointed under sub-paragraph (1)(c).

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Tenure

- 8 Subject to paragraphs 9 and 10, an appointed member of the Agency shall hold and vacate office in accordance with the terms of his appointment.
- 9 An appointed member may resign by giving written notice to the Secretary of State.
- 10 The Secretary of State may remove a person from office as an appointed member if the Secretary of State is satisfied that—
- (a) the person has been absent from meetings of the Agency, without its permission, for a period longer than four months,
 - (b) the person has been convicted of an offence in the British Islands or elsewhere,
 - (c) a bankruptcy order has been made against the person, or the person's estate has been sequestrated, or the person has made a composition or arrangement with, or granted a trust deed for, his creditors,
 - (d) the person has failed to comply with the terms of his appointment, or
 - (e) the person is unable or unfit to carry out his functions.

Re-appointment

- 11 Previous service as an appointed member of the Agency does not affect a person's eligibility for re-appointment.

Remuneration, pensions etc of appointed members

- 12 (1) The Agency must pay to the appointed members such remuneration and allowances as the Secretary of State may determine.
- (2) The Agency must, if required to do so by the Secretary of State—
- (a) pay to or in respect of a person who is or has been an appointed member such pensions or gratuities as the Secretary of State may determine;
 - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions or gratuities to or in respect of a person who is or has been an appointed member.
- (3) Sub-paragraph (4) applies if—
- (a) a person ceases to be an appointed member of the Agency, and
 - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.
- (4) The Secretary of State may require the Agency to pay to the person such amount as the Secretary of State may determine.

Chief executive

- 13 (1) The Secretary of State must appoint a person to be chief executive of the Agency.
- (2) Before doing so, the Secretary of State must consult the chairman of the Agency.
- (3) Sub-paragraph (2) does not apply to the first appointment of a chief executive of the Agency.
- (4) The chief executive of the Agency is a member of its staff.

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- (5) The Agency must pay to its chief executive such remuneration and allowances as the Secretary of State may determine.

Staff remuneration

- 14 (1) The Agency shall pay to members of its staff such remuneration and allowances as it may determine.
- (2) Sub-paragraph (1) does not apply in relation to the chief executive of the Agency.
- (3) In relation to a person seconded to the Agency to serve as a member of its staff, sub-paragraph (1) has effect subject to the arrangements under which the person is seconded.
- (4) Arrangements under which a person is seconded to the Agency to serve as a member of its staff may (in particular) contain provision for the making of payments by the Agency in respect of remuneration and allowances paid to the person by another.

Staff pensions

- 15 (1) The Agency may pay, or make payments in respect of, such pensions or gratuities to or in respect of persons who are, or have been, members of its staff as the Agency may determine, including pensions or gratuities by way of compensation to or in respect of members of the Agency's staff who suffer loss of employment or loss or diminution of emoluments.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which section 1 of that Act applies), at the appropriate place under the heading "Other Bodies" there is inserted— "Employment as a member of the staff of the National Policing Improvement Agency."
- (3) The Agency must pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Superannuation Act 1972.
- 16 (1) Sub-paragraph (2) applies where—
- (a) a person is, by reference to employment as a member of the Agency's staff, a participant in a scheme under section 1 of the Superannuation Act 1972, and
- (b) the person becomes an appointed member of the Agency.
- (2) The Minister for the Civil Service may determine that the person's service as an appointed member of the Agency is to be treated for the purposes of the scheme as employment as a member of the Agency's staff (whether or not any benefits are payable to or in respect of him under paragraph 12).

Status of staff members as constables

- 17 (1) This paragraph applies where a person who is a constable is appointed as a member of the Agency's staff.
- (2) The person continues to be a constable for the period during which he is a member of that staff.

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- (3) If the person is appointed as chief executive, he holds the rank of chief constable for the period during which he is chief executive.
- (4) The person shall, as holder of the office of constable, be under the direction and control of the chief executive of the Agency.
- (5) Sub-paragraph (4) does not apply to the chief executive of the Agency.

Constables employed by the Agency: conditions of service

- 18
- (1) In relation to the terms and conditions of the contracts of employment of employed constables, the Agency shall comply with rules or principles contained in any document issued to it for the purpose by the Secretary of State.
 - (2) Rules or principles under sub-paragraph (1) may (in particular)—
 - (a) require the adoption of specified scales or ranges of pay or allowances;
 - (b) require a specified class of employed constable to be treated for specified purposes in the same way as a specified class of employee (whether of the Agency or not) or office-holder;
 - (c) require the approval of the Secretary of State for changes in the policy or practice of the Agency;
 - (d) require compliance with future rules or principles, including future rules or principles specified by a person other than the Secretary of State;
 - (e) make different provision for different purposes.
 - (3) In this paragraph “employed constable” means a member of the Agency's staff who is—
 - (a) a constable, and
 - (b) an employee of the Agency.

Regulations for constables employed by, or seconded to, the Agency

- 19
- (1) The Secretary of State may by regulations make provision as to the government, administration and conditions of service of employed or seconded constables.
 - (2) Regulations under sub-paragraph (1) may (in particular) make provision with respect to any of the following—
 - (a) ranks to be held by employed or seconded constables,
 - (b) qualifications for promotion of employed or seconded constables,
 - (c) voluntary retirement of a seconded constable from membership of the Agency's staff and from membership of the body of constables from which he was seconded to the Agency,
 - (d) the conduct, efficiency and effectiveness of employed or seconded constables and the maintenance of discipline amongst them,
 - (e) suspension of employed or seconded constables from the office of constable,
 - (f) suspension of seconded constables from membership of the Agency's staff,
 - (g) maintenance of personal records of employed or seconded constables,
 - (h) duties which are or are not to be performed by employed or seconded constables,

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- (i) powers which may be, or are not to be, exercised by employed or seconded constables,
 - (j) treating attendance by seconded constables—
 - (i) at meetings of the Police Federation for England and Wales, or
 - (ii) at meetings of any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996 (c. 16) (bodies representing members of police forces who are not members of the Police Federation),as occasions when they are performing duties as members of the staff of the Agency,
 - (k) the hours of duty of seconded constables, their leave and, subject to paragraph 14, their pay and allowances,
 - (l) the issue to seconded constables, and the use and return by seconded constables, of Agency clothing, personal equipment and accoutrements, and
 - (m) the disapplication, in relation to a seconded constable who is seconded to the Agency from a body of constables that is not a police force within the meaning given by section 101 of the Police Act 1996 (police forces for police areas in England and Wales), of provisions—
 - (i) made by or under an Act, and
 - (ii) relating to the government, administration and conditions of service of that body of constables.
- (3) Regulations under sub-paragraph (1) as to the conduct of employed or seconded constables, or as to the maintenance of discipline amongst them, may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Agency, the Agency's chief executive or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (4) Regulations under sub-paragraph (1) for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this sub-paragraph shall be read as authorising pay or allowances payable to any person to be reduced retrospectively.
- (5) In this paragraph—
- “employed constable” has the same meaning as in paragraph 18;
 - “seconded constable” has the same meaning as in paragraph 20.

Liability for acts of police members of staff

- 20
- (1) The Agency is liable for unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the Agency's staff in the same manner as an employer is liable for unlawful conduct of his employees in the course of their employment.
 - (2) In the case of any such conduct by a seconded constable which is a tort, the Agency is accordingly to be treated as a joint tortfeasor.
 - (3) In this paragraph “seconded constable” means a constable serving as a member of the Agency's staff without being an employee of the Agency.

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Payment of amounts in connection with unlawful conduct of any staff

- 21 The Agency may, in such cases and to such extent as appear to it to be appropriate—
- (a) pay damages or costs awarded against a member of the Agency's staff in proceedings for any unlawful conduct of that person,
 - (b) pay any costs incurred and not recovered by such a person in such proceedings, and
 - (c) pay any sum required in connection with the settlement of a claim that has, or might have, given rise to such proceedings.

Delegation to committees, sub-committees and staff

- 22 (1) The Agency may delegate any of its functions (to such extent as the Agency may determine) to a committee of the Agency or to a member of the Agency's staff.
- (2) A committee of the Agency may delegate any functions conferred on it (to such extent as the committee may determine) to a sub-committee of the Agency or to a member of the Agency's staff.
- (3) A sub-committee of the Agency may delegate any functions conferred on it (to such extent as the sub-committee may determine) to a member of the Agency's staff.
- (4) A committee or sub-committee of the Agency may include persons who are not members of the Agency.
- (5) The Agency may pay remuneration and allowances to any person who—
- (a) is a member of a committee or sub-committee of the Agency, but
 - (b) is not a member of the Agency or a member of its staff.
- (6) Delegation of a function under this paragraph does not prevent the Agency or, as the case may be, the committee or sub-committee from exercising the function.

Procedure

- 23 (1) The Agency may—
- (a) regulate its own procedure (including quorum), and
 - (b) regulate the procedure (including quorum) of its committees and sub-committees.
- (2) But the Agency must make provision for a quorum for meetings of each of its committees and sub-committees to include at least one person who is a member of the Agency or a member of its staff.

- 24 Proceedings of the Agency are not invalidated—
- (a) by any vacancy among the Agency's members;
 - (b) by any defect in the appointment of a member of the Agency.

Application of seal and proof of documents

- 25 The application of the Agency's seal must be authenticated by the signature of—
- (a) a member of the Agency, or
 - (b) any other person who has been authorised by the Agency (whether generally or specially) for that purpose.

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- 26 A document purporting to be duly executed under the seal of the Agency or to be signed on the Agency's behalf—
- (a) shall be received in evidence, and
 - (b) unless the contrary is proved, shall be treated as so executed or signed.

Status

- 27 (1) The Agency is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, privilege or immunity of the Crown.
- (2) Accordingly, the Agency's property is not to be regarded as property of, or held on behalf of, the Crown.

PART 3

ACCOUNTABILITY AND SUPERVISION

Annual reports

- 28 (1) As soon as possible after the end of each financial year the Agency must prepare a report on the carrying out of its functions during that year.
- (2) The report for a financial year (“the report”) must include an assessment of the extent to which the annual plan for that year under paragraph 5 has been carried out.
- (3) The Agency must arrange for the report to be published in such manner as it considers appropriate.
- (4) The Agency must send a copy of the report to—
- (a) the Secretary of State,
 - (b) the police authority for each police area in England and Wales,
 - (c) the chief officer of police of each police force in England and Wales, and
 - (d) such other persons as the Agency considers appropriate.
- (5) The Secretary of State must lay a copy of the report before each House of Parliament.

Reports to Secretary of State

- 29 (1) The Secretary of State may require the Agency to submit a report to him on specified matters—
- (a) connected with the carrying out of its functions, or
 - (b) otherwise connected with any of its activities.
- (2) A report under sub-paragraph (1) must be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Agency to arrange, for a report under this paragraph to be published in such manner as he considers appropriate.
- (4) The Secretary of State may exclude any part of a report from publication under sub-paragraph (3) if he considers that publication of that part—

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- (a) would be against the interests of national security,
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
 - (c) could jeopardise the safety of any person.
- (5) For the purposes of sub-paragraph (4)(b) “the detection of crime” shall be taken to include establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed.
- (6) For the purposes of sub-paragraphs (4)(b) and (5) “crime” means conduct—
- (a) which constitutes one or more criminal offences under the law of a part of the United Kingdom, or
 - (b) which is, or corresponds to, any conduct which, if it all took place in one part of the United Kingdom, would constitute one or more criminal offences under the law of that part.

Inspections

- 30 (1) The Secretary of State may require Her Majesty's Chief Inspector of Constabulary to inspect, and report on, the efficiency and effectiveness of the Agency.
- (2) A requirement under sub-paragraph (1) may be general or relate to a particular matter.
- (3) Section 32 (powers of persons carrying out inspections) applies to a person involved in the carrying out of an inspection under sub-paragraph (1) as it applies to a person involved in the carrying out of an inspection under Part 4 of this Act.

Inspection reports

- 31 (1) The Secretary of State must arrange for a report under paragraph 30(1) to be published in such manner as he considers appropriate.
- (2) The Secretary of State may exclude any part of a report from publication under sub-paragraph (1) if he considers that publication of that part—
- (a) would be against the interests of national security,
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
 - (c) could jeopardise the safety of any person.
- (3) The Secretary of State must send a copy of the published report to the Agency.
- (4) The Agency must—
- (a) prepare comments on the published report, and
 - (b) arrange for its comments to be published in such manner as it considers appropriate.
- (5) The Agency must send a copy of any document published under sub-paragraph (4) to the Secretary of State.
- (6) For the purposes of sub-paragraph (2)(b) “the detection of crime” shall be taken to include establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed.

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- (7) For the purposes of sub-paragraphs (2)(b) and (6) “crime” means conduct—
- (a) which constitutes one or more criminal offences under the law of a part of the United Kingdom, or
 - (b) which is, or corresponds to, any conduct which, if it all took place in one part of the United Kingdom, would constitute one or more criminal offences under the law of that part.

Post-inspection directions

- 32 (1) Sub-paragraph (2) applies where a report made to the Secretary of State under paragraph 30(1) states—
- (a) that the Agency is failing to carry out any of its functions efficiently and effectively, whether generally or in particular respects, or
 - (b) that, unless remedial measures are taken, the Agency will cease to carry out any of its functions efficiently and effectively, whether generally or in particular respects.
- (2) The Secretary of State may direct the Agency to take such measures as may be specified in the direction.

PART 4

FINANCIAL PROVISION

Payments by Secretary of State to the Agency

- 33 The Secretary of State may make payments to the Agency.

Charges by the Agency and other receipts

- 34 (1) The Agency may make such charges as it considers appropriate in connection with the carrying out of any of its functions.
- (2) The Agency must pay to the Secretary of State all sums received by it in the course of, or in connection with, the carrying out of its functions.
- (3) Sub-paragraph (2)—
- (a) does not apply to sums received by the Agency under paragraph 33, and
 - (b) does not apply where the Secretary of State so directs.

Payments by Agency to police authorities

- 35 The Agency may, for purposes it considers are related to any of its objects, make payments to—
- (a) the police authority for a police area in England and Wales;
 - (b) the police authority for a police area in Scotland;
 - (c) a joint police board constituted under an amalgamation scheme under the Police (Scotland) Act 1967 (c. 77);
 - (d) the Scottish Police Services Authority.

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Accounts

- 36 (1) The Agency must—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts for a financial year must be in such form, and contain such information, as the Secretary of State may direct.
- (3) The Agency must, within such period following the end of each financial year as the Secretary of State may direct, send copies of the statement of accounts for that year—
- (a) to the Secretary of State, and
 - (b) to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts sent to him under sub-paragraph (3), and
 - (b) lay a copy of each such statement, and of his report on it, before each House of Parliament.

PART 5

TRANSFER SCHEMES

Meaning of “scheme”

- 37 In this Part of this Schedule “scheme” means a scheme made by the Secretary of State.

Property, rights and liabilities

- 38 A scheme may make provision for the transfer to the Agency or the Secretary of State—
- (a) of property, rights and liabilities of the Central Police Training and Development Authority;
 - (b) of property, rights and liabilities of the Police Information Technology Organisation.
- 39 (1) The property, rights and liabilities for whose transfer a scheme under paragraph 38 may provide include (in particular)—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) rights and liabilities under contracts of employment, subject to sub-paragraph (2).
- (2) A scheme under paragraph 38 may not provide for the transfer to the Secretary of State of rights and liabilities under contracts of employment.
- (3) Before making a scheme under paragraph 38 that provides for the transfer of rights and liabilities under contracts of employment, the Secretary of State must consult

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such persons appearing to represent the interests of the employees concerned as the Secretary of State considers appropriate.

40 A scheme may make provision for the creation, in favour of the Agency or the Secretary of State, of interests in, or rights in relation to, anything that could be transferred by a scheme under paragraph 38.

41 (1) A scheme under paragraph 38 may make provision for the creation of interests in or rights in relation to, or for the imposition of liabilities in relation to, anything that is or could be transferred by the scheme.

(2) A scheme under paragraph 40 may make provision for the imposition of liabilities in relation to anything created by the scheme.

(3) A scheme under paragraph 38 or 40 may contain provision about enforcement of a right or liability whose transfer, creation or imposition is provided for by the scheme.

42 (1) At the time appointed for the purpose by a scheme under paragraph 38 or 40—

- (a) property, rights and liabilities for whose transfer the scheme provides,
- (b) interests and rights for whose creation the scheme provides, and
- (c) liabilities for whose imposition the scheme provides,

shall, by virtue of this sub-paragraph, be transferred or (as the case may be) created or imposed in accordance with the scheme.

(2) A scheme under paragraph 38 or 40 may appoint different times for the transfer, creation or imposition of different things.

Effect of transfer of employees

43 (1) This paragraph applies if a scheme under paragraph 38 provides for the transfer of rights and liabilities under a contract of employment.

(2) The contract—

- (a) is not terminated by the transfer, and
- (b) has effect from the appointed time as if made between the employee and the Agency.

(3) The rights, powers, duties and liabilities of the old employer under or in connection with the contract are (by virtue of paragraph 42(1)) transferred to the Agency at the appointed time.

(4) Anything done before the appointed time by or in relation to the old employer in respect of the contract or the employee is to be treated from that time as having been done by or in relation to the Agency.

(5) Sub-paragraphs (2) to (4) have effect subject to sub-paragraph (6).

(6) If the employee informs the old employer or the Agency that he objects to the transfer—

- (a) the rights, powers, duties and liabilities under or in connection with the contract are not transferred by virtue of the scheme, and
- (b) the contract is terminated immediately before the appointed time, but the employee is not to be treated, for any purpose, as having been dismissed.

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(7) In this paragraph “the appointed time” means the time appointed by or under the scheme for the transfer of rights and liabilities under the contract.

(8) Nothing in this Part of this Schedule affects any right the employee has to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

Staff on secondment

- 44 (1) A scheme may make provision—
- (a) for an existing secondment to have effect, from a time appointed by the scheme, as a secondment to the Agency, and
 - (b) for the seconded person to serve from that time as a member of the staff of the Agency.
- (2) If the seconded person informs the Agency, or the body to which he is seconded or the body by which he is seconded, that he objects to the existing secondment becoming a secondment to the Agency—
- (a) the scheme does not cause the existing secondment to become a secondment to the Agency, and
 - (b) the existing secondment is terminated immediately before the time mentioned in sub-paragraph (1)(a) (so that the person returns at that time to the body by which he was seconded).
- (3) In this paragraph “existing secondment” means a secondment by virtue of which—
- (a) a person is the chief executive or another member of the staff of the Central Police Training and Development Authority, or
 - (b) a person is the chief executive or another member of the staff of the Police Information Technology Organisation.

Deciding matters under scheme

- 45 A scheme under this Part of this Schedule may contain provision—
- (a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to decide any matter requiring decision under or in consequence of the scheme, and
 - (b) as to the payment of fees charged, or expenses incurred, by any person nominated to decide any matter under paragraph (a).

Supplementary provision

- 46 A scheme under this Part of this Schedule may contain supplementary, incidental, transitional and consequential provision.

PART 6

INTERPRETATION AND MODIFICATION

Interpretation

- 47 (1) In Parts 1 to 5, and this Part, of this Schedule—

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“the Agency” means the National Policing Improvement Agency;
“the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland.

- (2) In Parts 1 to 5 of this Schedule “financial year” means—
- (a) the period beginning with the day on which the Agency is established and ending with the following 31st March, and
 - (b) each subsequent period of 12 months ending with 31st March.
- (3) In Part 2 of this Schedule “appointed member” has the meaning given by paragraph 7(6).

Power to modify objects, functions and structure of the Agency

- 48 (1) The appropriate authority (see sub-paragraph (4)) may by order make provision—
- (a) for modifying the objects, powers and duties of the Agency;
 - (b) for modifying the constitution of the Agency and any provision regulating its management and control;
 - (c) for conferring powers on the Secretary of State in relation to—
 - (i) the objects, powers and duties of the Agency,
 - (ii) the constitution of the Agency and the regulation of its management and control, and
 - (iii) members of the Agency's staff;
 - (d) for imposing, on persons in relation to whom the Agency has or is given powers or duties, obligations to consult with the Agency or to do other things in relation to the Agency.
- (2) In sub-paragraph (1) “modifying” includes adding to, varying and diminishing.
- (3) Power under sub-paragraph (1) may be exercised to give the Agency objects, powers or duties in relation to persons who have no functions in relation to, nor any connection with, policing if—
- (a) they carry out functions in, or in relation to, prisons in England or Wales,
 - (b) they are officers of a local probation board, or
 - (c) they are persons falling within neither of paragraphs (a) and (b) who carry out functions for the purposes of the criminal justice system in England and Wales.
- (4) Power of the appropriate authority under sub-paragraph (1)—
- (a) so far as it is power to make provision falling within sub-paragraph (5), is power of the Scottish Ministers, and
 - (b) so far as it is power to make provision not falling within sub-paragraph (5), is power of the Secretary of State.
- (5) The provision falling within this sub-paragraph is provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.
- (6) Power of the Scottish Ministers under sub-paragraph (1) is exercisable only with the consent of the Secretary of State.

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- (7) Power of the Secretary of State under sub-paragraph (1)(a), (b) and (c), so far as it is power to make provision falling within sub-paragraph (8), is exercisable only with the consent of the Scottish Ministers.
- (8) The provision falling within this sub-paragraph is provision—
- (a) that affects, or may affect, any of the persons mentioned in paragraph 4(2) (police forces, and other policing bodies, in Scotland), or
 - (b) that affects, or may affect, the rights and powers of the Scottish Ministers.
- (9) Power of the Secretary of State under sub-paragraph (1)(d), so far as it is power to impose obligations on any of the persons mentioned in paragraph 4(2), is exercisable only with the consent of the Scottish Ministers.
- (10) Before making an order under sub-paragraph (1), the Secretary of State must consult—
- (a) the Agency,
 - (b) the Association of Police Authorities, and
 - (c) the Association of Chief Police Officers.
- (11) Before making an order under sub-paragraph (1), the Scottish Ministers must consult—
- (a) the Agency,
 - (b) the Scottish Police Services Authority,
 - (c) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and
 - (d) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (13).
- (12) Before deciding whether to give consent for the purposes of sub-paragraph (7) or (9), the Scottish Ministers must consult—
- (a) the Scottish Police Services Authority,
 - (b) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and
 - (c) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (13).
- (13) A body is within this sub-paragraph if it is—
- (a) the police authority for a police area in Scotland that is not combined, by virtue of an amalgamation scheme under the Police (Scotland) Act 1967 (c. 77), with any other police area in Scotland, or
 - (b) a joint police board constituted under such a scheme.
- (14) An order under sub-paragraph (1) may—
- (a) make provision for the making of determinations, or the giving of approvals, by the Secretary of State under the order;
 - (b) contain provision framed by reference to determinations made or approvals given under provision such as is mentioned in paragraph (a);
 - (c) contain provision framed by reference to the Secretary of State's opinion, from time to time, as to any matter.
- (15) Provision under sub-paragraph (1) (including, without prejudice to the generality of section 20(2) of the Interpretation Act 1978 (c. 30), provision made under sub-

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paragraph (1) in reliance on section 49(3)) may take the form of amendments of enactments whenever passed or made, including—

- (a) enactments comprised in, or in instruments made under, Acts of the Scottish Parliament,
- (b) enactments comprised in, or in instruments made under, Northern Ireland legislation, and
- (c) enactments comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

PART 7

CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 51)

- 49 In Part 2 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (bodies whose records are public records), at the appropriate place there is inserted— “ National Policing Improvement Agency. ”

Parliamentary Commissioner Act 1967 (c. 13)

- 50 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place there is inserted— “ National Policing Improvement Agency. ”

Police (Scotland) Act 1967 (c. 77)

- 51 The Police (Scotland) Act 1967 is amended as follows.
- 52 In section 38(3A) (status of certain constables on secondment), after “(bb)” there is inserted “ or (bh) ”.
- 53 (1) Section 38A (constables engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (bg) there is inserted—
- “(bh) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsection (6)(a) (which provides for relevant service to be treated for certain purposes as service in constable's home force), after “(bg)” there is inserted “ , (bh), ”.

Health and Safety at Work etc. Act 1974 (c. 37)

- 54 In section 51A(2E) of the Health and Safety at Work etc. Act 1974 (provisions which impose liability on others for unlawful conduct of constables but which do not apply to liability under Part 1 of the 1974 Act), after paragraph (f) there is inserted—
- “(g) paragraph 20 of Schedule 1 to the Police and Justice Act 2006;”.

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House of Commons Disqualification Act 1975 (c. 24)

55 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted— “ The National Policing Improvement Agency. ”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

56 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted— “ The National Policing Improvement Agency. ”

Police Pensions Act 1976 (c. 35)

57 The Police Pensions Act 1976 is amended as follows.

58 In section 7(2) (persons eligible for police pensions), after paragraph (ce) there is inserted—

“(cf) a member of the staff of the National Policing Improvement Agency who holds the office of constable;”.

59 (1) Section 11 (interpretation) is amended as follows.

(2) In subsection (1) (references to membership of a police force etc), after paragraph (be) there is inserted—

“(bf) service, by a person holding the office of constable, as a member of the staff of the National Policing Improvement Agency;”.

(3) In subsection (2) (meaning of “police authority”), after paragraph (e) there is inserted—

“(f) in relation to any service such as is mentioned in subsection (1) (bf), it means the National Policing Improvement Agency;”.

(4) In subsection (3) (meaning of “police force”), in paragraph (b), after “(be),” there is inserted “ (bf), ”.

Race Relations Act 1976 (c. 74)

60 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), at the appropriate place under the heading “Police” there is inserted— “ The National Policing Improvement Agency. ”

Police Act 1996 (c. 16)

61 The Police Act 1996 is amended as follows.

62 (1) Section 39A (power of Secretary of State to issue codes of practice for chief officers) is amended as follows.

(2) In subsection (3) (preparation of drafts and revisions)—

(a) for “Central Police Training and Development Authority” there is substituted “ National Policing Improvement Agency ”, and

(b) for “that Authority” there is substituted “ that Agency ”.

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- (3) In subsection (4) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 63 (1) Section 53A (regulation of procedures and practices of police forces) is amended as follows.
- (2) In subsection (2) (advice), for paragraph (b) there is substituted—
“(b) the National Policing Improvement Agency.”
- (3) In subsection (5) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- (4) In subsection (6)(a) (consideration of advice etc), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 64 In section 57(5) (consultation about regulations requiring police forces to use specified facilities or services), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- 65 In section 59 (Police Federations), after subsection (7) there is inserted—
“(7A) For the purposes of subsection (1), a member of the staff of the National Policing Improvement Agency who is—
(a) a constable, and
(b) an employee of the Agency,
shall be treated as a member of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”
- 66 In section 61(1) (Police Negotiating Board), before paragraph (c) there is inserted—
“(bb) the members of the staff of the National Policing Improvement Agency who are constables.”
- 67 (1) Section 62 (functions of the Police Negotiating Board) is amended as follows.
- (2) In subsection (1) (duty to consult Board before making regulations about certain matters), after paragraph (c) there is inserted “or
(d) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency),”.
- (3) Before subsection (2) there is inserted—
“(1D) Before issuing a document under paragraph 18 of Schedule 1 to the Police and Justice Act 2006 (rules and principles for contents of contracts of employment of constables employed as members of the staff of the National Policing Improvement Agency), the Secretary of State shall—
(a) consult the Police Negotiating Board for the United Kingdom about any provision in the document which relates to any of the matters mentioned in section 61(1) (other than pensions), and
(b) take into consideration any recommendation made by the Board.
(1E) Before determining the terms and conditions on which a constable is to be appointed to the staff of the National Policing Improvement Agency as an employee of the Agency, the Secretary of State (where the constable is to

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	<p>be appointed as the chief executive of the Agency) or the Agency (in any other case) shall—</p> <p>(a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and</p> <p>(b) take into consideration any recommendation made by the Board.”</p> <p>(4) In subsection (2) (arrangements under section 61(3) apply in relation to recommendations under section 62), for “subsection (1) or (1A)” there is substituted “subsection (1), (1A), (1D) or (1E)”.</p>
68	<p>(1) Section 63 (Police Advisory Boards) is amended as follows.</p> <p>(2) Before subsection (2) there is inserted—</p> <p style="padding-left: 40px;">“(1C) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting members of the staff of the National Policing Improvement Agency who are constables.”</p> <p>(3) In subsection (3) (Board to be consulted on certain regulations), after paragraph (b) there is inserted “or</p> <p style="padding-left: 40px;">(c) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency), other than regulations with respect to any of the matters mentioned in section 61(1),”.</p>
69	<p>In section 64 (membership of trade unions), before subsection (5) there is inserted—</p> <p style="padding-left: 40px;">“(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—</p> <p style="padding-left: 80px;">(a) a constable, and</p> <p style="padding-left: 80px;">(b) an employee of the Agency,</p> <p style="padding-left: 40px;">as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.</p> <p style="padding-left: 40px;">(4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.”</p>
70	<p>In section 90(4) (impersonation etc: interpretation), for the words after paragraph (a) and before paragraph (b) (paragraph (aa) having been superseded by section 68(2) of the Railways and Transport Safety Act 2003) there is substituted—</p> <p style="padding-left: 40px;">“(ab) “member of a police force” includes a member of the staff of the National Policing Improvement Agency who is a constable, and”.</p>
71	<p>In section 91(2) (offence under subsection (1) of causing disaffection etc amongst members of police forces applies also in relation to certain other police personnel), after paragraph (a) there is inserted—</p> <p style="padding-left: 40px;">“(aa) members of the staff of the National Policing Improvement Agency who are constables,”.</p>
72	<p>(1) Section 97 (police officers engaged on service outside their force) is amended as follows.</p>

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(2) In subsection (1) (meaning of “relevant service”), after paragraph (cf) there is inserted—

“(cg) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.

(3) In subsections (6)(a) and (8), after “(cf)” there is inserted “, (cg)”.

Police (Northern Ireland) Act 1998 (c. 32)

73 (1) Section 27 of the Police (Northern Ireland) Act 1998 (members of the Police Service of Northern Ireland engaged on other police service) is amended as follows.

(2) In subsection (1) (meaning of “relevant service”), after paragraph (cb) there is inserted—

“(cc) temporary service with the National Policing Improvement Agency on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable;”.

(3) In subsection (5)(b), after “(cb),” there is inserted “ (cc), ”.

(4) In subsection (7)—

(a) for “(1)(c), (ca)” there is substituted “ (1)(ca) ”;

(b) for “or (cb)” there is substituted “, (cb) or (cc) ”.

Freedom of Information Act 2000 (c. 36)

74 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public bodies and offices), at the appropriate place there is inserted— “ The National Policing Improvement Agency. ”

Criminal Justice and Court Services Act 2000 (c. 43)

75 (1) Section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records) is amended as follows.

(2) In subsection (1), for “Police Information Technology Organisation” there is substituted “ National Policing Improvement Agency ”.

(3) In subsection (2), for “Organisation” there is substituted “ National Policing Improvement Agency ”.

Vehicles (Crime) Act 2001 (c. 3)

76 The Vehicles (Crime) Act 2001 is amended as follows.

77 In section 18(7) (access to information contained in register of registration plate suppliers), for “Police Information Technology Organisation” there is substituted “ National Policing Improvement Agency ”.

78 (1) Section 36 (access to certain motor insurance information) is amended as follows.

(2) In subsection (1), for “Police Information Technology Organisation” there is substituted “ National Policing Improvement Agency ”.

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(3) In subsection (2)(a), for “Organisation” there is substituted “ Agency ”.

Criminal Justice and Police Act 2001 (c. 16)

79 (1) Section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces as to training and qualifications for deployment) is amended as follows.

(2) In subsection (4) (persons who must be consulted before regulations about training etc may be made), for paragraph (a) there is substituted—

“(a) the National Policing Improvement Agency;”.

(3) For subsection (6) (interpretation of section) there is substituted—

“(6) In this section—

- (a) references to the provision of police training are references to the provision of training and opportunities for professional development for persons serving or employed for policing purposes in England and Wales;
- (b) references to the provision of training include references to the provision of assessment and examination services;
- (c) references to a person serving or employed for policing purposes in England and Wales are references to a person who is—
 - (i) a member of a police force in England and Wales,
 - (ii) a special constable appointed under section 27 of the 1996 Act, or
 - (iii) a person employed for the purposes of a police force in England and Wales.”

Police Reform Act 2002 (c. 30)

80 The Police Reform Act 2002 is amended as follows.

81 In section 9(3) (persons ineligible for membership of the Independent Police Complaints Commission), after paragraph (da) there is inserted—

“(db) he is or has been—

- (i) the chairman or chief executive of, or
 - (ii) another member of, or
 - (iii) another member of the staff of,
- the National Policing Improvement Agency;”.

82 (1) Section 10 (general functions of the Independent Police Complaints Commission) is amended as follows.

(2) In subsection (1) (general functions), after paragraph (g) there is inserted “; and

- (h) to carry out functions in relation to the National Policing Improvement Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection.”

(3) In subsection (3) (functions conferred by other provisions), after paragraph (ba) there is inserted—

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- “(bb) any agreement under section 26B of this Act (National Policing Improvement Agency);”.
- (4) In subsection (7)(c) (Commission may impose charges for making recommendations, and giving advice, for purposes of subsection (1)(g)), after “subsection (1)(g)” there is inserted “ or (h) ”.
- 83 (1) Section 11 (reports) is amended as follows.
- (2) In subsection (6) (persons to whom Independent Police Complaints Commission must send copies of its annual reports), after paragraph (d) there is inserted “; and (e) to the National Policing Improvement Agency.”
- (3) After subsection (9) there is inserted—
- “(9A) Where a report under subsection (3) relates to the National Policing Improvement Agency, the Commission shall send a copy of that report to the Agency.”
- (4) In subsection (10) (persons to whom reports under subsection (4) must be sent), after paragraph (g) there is inserted “; and (h) the National Policing Improvement Agency.”
- 84 (1) Section 15 (general duties of police authorities etc in relation to Part 2 of the Act) is amended as follows.
- (2) After subsection (1A) there is inserted—
- “(1B) It shall be the duty of the National Policing Improvement Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).”
- (3) For the second sentence of subsection (8) (meaning of “third force” in subsection (8)) there is substituted—
- “(8A) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the National Policing Improvement Agency—
- (a) the chief officer of a third force, or
- (b) the police authority maintaining a third force,
- may be required to give that assistance and co-operation only with the approval of the chief executive of the National Policing Improvement Agency.
- (8B) In subsections (8) and (8A) “third force”, in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.”
- (4) In subsection (9) (approval that is needed before Director General of Serious Organised Crime Agency can be required to give assistance etc under subsection (5)), for the words after paragraph (b) there is substituted— “ the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer. ”
- (5) After subsection (9) there is inserted—
- “(10) In subsection (9) “the relevant directing officer”—

Status: Point in time view as at 15/01/2007.

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- (a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; and
- (b) in a case where the person who requires assistance and co-operation is a member of the staff of the National Policing Improvement Agency, means the chief executive of that Agency.”

85 After section 16 there is inserted—

“16A Investigations: National Policing Improvement Agency involvement

- (1) Where a police authority or chief officer requires the NPIA and its chief executive to provide a member of the NPIA's staff who is a constable for appointment under paragraph 16, 17 or 18 of Schedule 3, it shall be the duty of the NPIA and its chief executive to comply with the requirement.
- (2) It shall be the duty of the NPIA and its chief executive to ensure that a person appointed under paragraph 16, 17 or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying-out of that investigation as that person may reasonably require.
- (3) It shall be the duty of the NPIA and its chief executive to provide the Commission and every member of the Commission's staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying-out of any investigation by the Commission under this Part.
- (4) Where the person who requires assistance and co-operation under subsection (2) is a person serving with the police, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the chief officer of the force to which that person belongs.
- (5) Where the person who requires assistance and co-operation under subsection (2) is a member of the staff of the Serious Organised Crime Agency, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the Director General of the Serious Organised Crime Agency.
- (6) Subsection (7) applies where the NPIA and its chief executive comply with a requirement under subsection (1) or (2) that is made in connection with—
 - (a) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of a police force; or
 - (b) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of a police force.
- (7) The police authority maintaining the police force mentioned in subsection (6)(a) or (b) shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
 - (a) as may be agreed between them; or
 - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

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	<ul style="list-style-type: none">(i) have been agreed to by police authorities generally and by the NPIA, and(ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements of the kind mentioned in subsection (6); or <p>(c) in the absence of any such arrangements, as may be determined by the Secretary of State.</p>
	<p>(8) Where the NPIA and its chief executive comply with a requirement under subsection (3), the Commission shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—</p> <ul style="list-style-type: none">(a) as may be agreed between the Commission and the NPIA; or(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—<ul style="list-style-type: none">(i) have been agreed to by the Agency and by the Commission, and(ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements under subsection (3); or(c) in the absence of any such arrangements, as may be determined by the Secretary of State.
	<p>(9) In this section “the NPIA” means the National Policing Improvement Agency.”</p>
86	<p>In section 17 (provision of information to the Independent Police Complaints Commission), after subsection (5) there is inserted—</p> <p>“(6) In this section—</p> <ul style="list-style-type: none">“chief officer” includes the chief executive of the National Policing Improvement Agency;“police authority” includes the National Policing Improvement Agency.”
87	<p>After section 26A there is inserted—</p> <p>“26B National Policing Improvement Agency</p> <ul style="list-style-type: none">(1) The Commission and the National Policing Improvement Agency must enter into an agreement for the establishment in relation to members of the Agency's staff of procedures corresponding or similar to those provided for by or under this Part.(2) An agreement under this section—<ul style="list-style-type: none">(a) must not be made or varied except with the approval of the Secretary of State; and(b) must not be terminated unless—<ul style="list-style-type: none">(i) it is replaced by another such agreement, and(ii) the Secretary of State approves.

Status: Point in time view as at 15/01/2007.

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	<p>(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary hearings in relation to members of the Agency's staff.</p> <p>(4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Agency's chief executive or by other members of the Agency.</p> <p>(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the Agency's staff.”</p>
88	In section 29(3)(c) (meaning of references to a member of the public), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
89	<p>(1) Schedule 3 (handling of complaints and conduct matters etc) is amended as follows.</p> <p>(2) In paragraph 16(3) (investigations by the appropriate authority on its own behalf: appointment of person to conduct investigation), after paragraph (b) there is inserted “or</p> <p style="padding-left: 40px;">(c) a member of the staff of the National Policing Improvement Agency who is a constable,”.</p> <p>(3) In paragraph 17(2) (investigations supervised by the Independent Police Complaints Commission: appointment of person to conduct investigation), after paragraph (b) there is inserted “or</p> <p style="padding-left: 40px;">(c) a member of the staff of the National Policing Improvement Agency who is a constable,”.</p> <p>(4) In paragraph 17(4) (power of Commission to require different person to be selected to conduct investigation), for “or (b)” there is substituted “, (b) or (c)”.</p>
	<i>Sexual Offences Act 2003 (c. 42)</i>
90	In section 94(3) of the Sexual Offences Act 2003 (supply of information to Secretary of State etc for verification), for paragraph (b) there is substituted— “(b) the National Policing Improvement Agency,”.
	<i>Commissioners for Revenue and Customs Act 2005 (c. 11)</i>
91	In section 20(7)(a) of the Commissioners for Revenue and Customs Act 2005 (public interest disclosure), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
	<i>Serious Organised Crime and Police Act 2005 (c. 15)</i>
92	<p>(1) Section 153 of the Serious Organised Crime and Police Act 2005 (disclosure of information about insurance status of vehicles) is amended as follows.</p> <p>(2) In subsections (1) and (3)(a) and (b), for “PITO” there is substituted “NPIA”.</p> <p>(3) In subsection (4), for the definition of “PITO” there is substituted—</p>

Status: Point in time view as at 15/01/2007.

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““NPIA” means the National Policing Improvement Agency.”

SCHEDULE 2

Section 2

AMENDMENTS TO THE POLICE ACT 1996

Membership etc of police authorities

- 1 In section 4 (membership of police authorities outside Greater London), in subsection (4), for “Schedules 2 and 3” there is substituted “ Schedule 2 ”.

Commencement Information

- II** Sch. 2 para. 1 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 2 For Schedule 2 there is substituted—

“SCHEDULE 2

Section 4

POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

Membership of police authorities

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of police authorities established under section 3.
- (2) Regulations under this paragraph shall provide for a police authority to consist of—
- (a) persons who are members of a relevant council, and
 - (b) other persons, including at least one lay justice.
- (3) Those regulations shall—
- (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
 - (b) secure that the majority of members of a police authority are persons falling within paragraph (a) of that sub-paragraph.
- (4) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of a police authority to be persons of a specified description.
- (5) Those regulations may include provision as to—
- (a) how a member is to be appointed;
 - (b) disqualification for membership;
 - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
 - (d) re-appointment as a member;

Status: Point in time view as at 15/01/2007.

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- (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
- (f) the validity of proceedings of a police authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the authority;
- (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

Appointment of councillor members

- 2 Regulations under paragraph 1 shall provide that—
- (a) in the case of a police authority in relation to which there is only one relevant council, the members falling within paragraph 1(2)(a) are to be appointed by that council;
 - (b) in any other case, those members are to be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

Appointment of other members

- 3 (1) Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(b) are to be appointed—
- (a) by the existing members of the authority,
 - (b) from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
- (a) the number of members of a selection panel;
 - (b) how and by whom a member of a panel is to be appointed;
 - (c) disqualification for membership;
 - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
 - (e) re-appointment as a member of a panel;
 - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
 - (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
 - (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
 - (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

Chairman and vice chairmen

- 4 (1) The Secretary of State shall by regulations provide that—

Status: Point in time view as at 15/01/2007.

Changes to legislation: *Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a police authority is to appoint a chairman from among its members at each annual meeting; and
 - (b) at an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
- (a) qualification and disqualification for appointment;
 - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
 - (c) eligibility for re-appointment;
 - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
 - (e) the validity of proceedings of a police authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
 - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

Standards committees

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the standards committee of a police authority established under section 3.

Consultation

- 6 Before making regulations under this Schedule the Secretary of State shall consult—
- (a) the Association of Police Authorities,
 - (b) persons whom he considers to represent the interests of county and district councils in England and county and county borough councils in Wales,
 - (c) in the case of regulations that are not to apply to all police authorities established under section 3—
 - (i) any police authority to which the regulations are to apply, and
 - (ii) any relevant council in relation to such an authority,
 - and
 - (d) such other persons as he thinks fit.

Supplementary

- 7 (1) Regulations under this Schedule may make different provision for different police authorities.
- (2) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.

Status: Point in time view as at 15/01/2007.

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- (3) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

- 8 (1) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in England if it is the council for—
- (a) a county, or
 - (b) a district comprised in an area for which there is no county council, which constitutes, or is wholly within, the authority's police area.
- (2) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in Wales if it is the council for a county or county borough which constitutes, or is wholly within, the authority's police area.
- 9 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.”

Commencement Information

I2 Sch. 2 para. 2 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 3 In section 5C (membership etc of Metropolitan Police Authority), in subsection (6), for “Schedules 2A and 3” there is substituted “ Schedule 2A ”.

Commencement Information

I3 Sch. 2 para. 3 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 4 For Schedule 2A there is substituted—

“SCHEDULE 2A

Section 5C

THE METROPOLITAN POLICE AUTHORITY

Membership of Authority

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of the Metropolitan Police Authority.
- (2) Regulations under this paragraph shall provide for the Authority to consist of—
- (a) persons appointed from among the persons specified in sub-paragraph (3), and
 - (b) other persons, including at least one lay justice.
- (3) The persons referred to in sub-paragraph (2)(a) are—
- (a) the Mayor of London, and

Status: Point in time view as at 15/01/2007.

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- (b) members of the London Assembly.
- (4) Regulations under this paragraph shall—
 - (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
 - (b) secure that the majority of members of the Authority are persons falling within paragraph (a) of that sub-paragraph.
- (5) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of the Authority to be persons of a specified description.
- (6) Those regulations may include provision as to—
 - (a) how a member is to be appointed;
 - (b) disqualification for membership;
 - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
 - (d) re-appointment as a member;
 - (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
 - (f) the validity of proceedings of the Authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the Authority;
 - (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

Appointment of members from London Assembly etc

- 2 Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(a) are to be appointed by the Mayor of London.

Appointment of other members

- 3 (1) Regulations under paragraph 1 shall provide that—
 - (a) one of the members falling within paragraph 1(2)(b) is to be appointed by the Secretary of State, and
 - (b) the other members are to be appointed by the existing members of the Metropolitan Police Authority from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
 - (a) the number of members of a selection panel;
 - (b) how and by whom a member of a panel is to be appointed;
 - (c) disqualification for membership;
 - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);

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- (e) re-appointment as a member of a panel;
- (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
- (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
- (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
- (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

Chairman and vice chairmen

- 4 (1) The Secretary of State shall by regulations provide that—
- (a) if the Mayor of London is a member of the Metropolitan Police Authority, he is to be the chairman;
 - (b) if not, the Mayor of London is to appoint a chairman from among the members of the Authority.
- (2) The Secretary of State shall by regulations provide that the Mayor of London may appoint one or more vice-chairmen from among the members of the Authority.
- (3) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
- (a) qualification and disqualification for appointment;
 - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
 - (c) eligibility for re-appointment;
 - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
 - (e) the validity of proceedings of the Authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
 - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

Standards committees

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the Metropolitan Police Authority's standards committee.

Consultation

- 6 Before making any regulations under this Schedule, the Secretary of State shall consult—
- (a) the Metropolitan Police Authority,

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- (b) the Association of Police Authorities,
- (c) the Greater London Authority,
- (d) persons whom he considers to represent the interests of London boroughs, and
- (e) such other persons as he thinks fit.

Supplementary

- 7 (1) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.
- (2) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

- 8 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.”

Commencement Information

- I4** Sch. 2 para. 4 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 5 In section 19 (approval of decisions about precepts), in subsection (2)(b), for “appointed under paragraph 2 of Schedule 2” there is substituted “who are members of a relevant council as defined in paragraph 8 of Schedule 2”.

Commencement Information

- I5** Sch. 2 para. 5 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

- 6 Schedules 3 (police authorities: selection of independent members) and 3A (police authorities: selection of lay justice members) are repealed.

Commencement Information

- I6** Sch. 2 para. 6 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

Functions of police authorities

- 7 (1) Section 6 (general functions of police authorities) is amended as follows.
- (2) In subsection (1)—
- (a) the words after “section 3” become paragraph (a) of that subsection;
 - (b) at the end of that paragraph there is inserted “, and

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- (b) shall hold the chief officer of police of that force to account for the exercise of his functions and those of persons under his direction and control.”
- (3) In subsection (2)—
- (a) in paragraph (a), for “objectives determined by the Secretary of State under section 37” there is substituted “ strategic priorities determined by the Secretary of State under section 37A ”;
 - (b) in paragraph (b), for “under section 7” there is substituted “ by virtue of section 6ZB ”;
 - (c) for paragraph (d) there is substituted—
 - “(d) any plan issued by the authority by virtue of section 6ZB.”
- (4) Subsection (4) (police authorities to comply with directions given under section 38 or 40) is omitted.

Commencement Information

I7 Sch. 2 para. 7(3)(a) in force at Royal Assent see s. 53(1)(2)

8 After section 6 there is inserted—

“6ZA Power to confer particular functions on police authorities

- (1) The Secretary of State may by order confer particular functions on police authorities.
- (2) Without prejudice to the generality of subsection (1), an order under this section may contain provision requiring a police authority—
 - (a) to monitor the performance of the police force maintained for its area in—
 - (i) complying with any duty imposed on the force by or under this Act, the Human Rights Act 1998 or any other enactment;
 - (ii) carrying out any plan issued by virtue of section 6ZB;
 - (b) to secure that arrangements are made for that force to co-operate with other police forces whenever necessary or expedient;
 - (c) to promote diversity within that force and within the authority.
- (3) Before making an order under this section the Secretary of State must consult—
 - (a) the Association of Police Authorities,
 - (b) the Association of Chief Police Officers, and
 - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- 18** Sch. 2 para. 8 in force at 15.1.2007 by S.I. 2006/3364, art. 2(b) (with art. 3) (as amended (6.3.2008) by S.I. 2008/627, art. 2)

VALID FROM 14/03/2008

Police authorities: objectives, plans and reports

9 After section 6ZA (inserted by paragraph 8) there is inserted—

“6ZB Plans by police authorities

- (1) Before the beginning of each financial year every police authority shall issue a plan (a “policing plan”) setting out—
 - (a) the authority's objectives (“policing objectives”) for the policing of its area during that year; and
 - (b) the proposed arrangements for the policing of that area for the period of three years beginning with that year.
- (2) Policing objectives shall be so framed as to be consistent with any strategic priorities determined under section 37A.
- (3) Before determining policing objectives, a police authority shall—
 - (a) consult the relevant chief officer of police, and
 - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.
- (4) A draft of a policing plan required to be issued by a police authority under this section shall be prepared by the relevant chief officer of police and submitted by him to the authority for it to consider.

The authority shall consult the relevant chief officer of police before issuing a policing plan which differs from the draft submitted by him under this subsection.
- (5) The Secretary of State may by regulations make provision supplementing that made by this section.
- (6) The regulations may make provision (further to that made by subsection (3)) as to persons who are to be consulted, and matters that are to be considered, before determining policing objectives.
- (7) The regulations may contain provision as to—
 - (a) matters to be dealt with in policing plans (in addition to those mentioned in subsection (1));
 - (b) persons who are to be consulted, and matters that are to be considered, in preparing policing plans;
 - (c) modification of policing plans;
 - (d) persons to whom copies of policing plans are to be sent.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (8) Before making regulations under this section the Secretary of State must consult—
 - (a) the Association of Police Authorities,
 - (b) the Association of Chief Police Officers, and
 - (c) such other persons as he thinks fit.
- (9) Regulations under this section may make different provision for different police authorities.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “the relevant chief officer of police”, in relation to a police authority, means the chief officer of police of the police force maintained by that authority.

6ZC Reports by police authorities

- (1) The Secretary of State may by order require police authorities to issue reports concerning the policing of their areas.
- (2) An order under this section may contain provision as to—
 - (a) the periods to be covered by reports, and, as regards each period, the date by which reports are to be issued;
 - (b) the matters to be dealt with in reports;
 - (c) persons to whom copies of reports are to be sent.
- (3) Before making an order under this section the Secretary of State must consult—
 - (a) the Association of Police Authorities,
 - (b) the Association of Chief Police Officers, and
 - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- 10 The following sections are repealed—
- section 6A (three-year strategy plans);
 - section 7 (local policing objectives);
 - section 8 (local policing plans);
 - section 9 (annual reports by police authorities).

VALID FROM 01/04/2008

- 11 In section 9A (general functions of Commissioner of Police of the Metropolis), in subsection (2), for the words after “shall have regard” there is substituted “to—

Status: Point in time view as at 15/01/2007.

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	<p>(a) any arrangements involving the metropolitan police force that are made by virtue of section 6ZA(2)(b);</p> <p>(b) the policing plan issued by the Metropolitan Police Authority under section 6ZB.”</p>
	VALID FROM 01/04/2008
12	<p>In section 10 (general functions of chief constables), in subsection (2), for the words after “shall have regard” there is substituted “to—</p> <p>(a) any arrangements involving his force that are made by virtue of section 6ZA(2)(b);</p> <p>(b) the policing plan issued by the police authority for his area under section 6ZB.”</p>
	VALID FROM 01/04/2008
13	<p>(1) Section 96B (national and international functions: application of requirements relating to reports etc) is amended as follows.</p> <p>(2) In subsection (2), for “section 7(1) shall have effect as if the reference” there is substituted “ section 6ZB(1) shall have effect as if a reference ”.</p> <p>(3) Subsection (3) is repealed.</p> <p>(4) In subsection (4), for “section 9(1)” there is substituted “ section 6ZC(1) ”.</p>

Appointment of deputy chief constables etc

- 14 (1) Section 11A (appointment and removal of deputy chief constables) is amended as follows.
- (2) In subsection (1) (police forces to have a deputy chief constable), for “a deputy chief constable” there is substituted “ one or more deputy chief constables ”.
- (3) For subsection (2) there is substituted—
- “(2) The appointment of a person to be a deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force.
- (2A) Where the police authority responsible for maintaining a police force—
- (a) proposes to increase the number of deputy chief constables that the force has, or
- (b) proposes to appoint a particular person to be a deputy chief constable,
- it may do so only after consultation with the chief constable and subject to the approval of the Secretary of State.”
- 15 (1) Section 12A (power of deputy to exercise functions of chief constable) is amended as follows.

Status: Point in time view as at 15/01/2007.

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- (2) In subsection (1), for “A deputy chief constable” there is substituted “ The appropriate deputy chief constable ”.
- (3) After that subsection there is inserted—
- “(1A) The appropriate deputy chief constable for the purposes of subsection (1) is—
- (a) in the case of a police force that has only one deputy chief constable, the deputy chief constable;
 - (b) in the case of a police force that has more than one deputy chief constable, the most senior deputy chief constable.
- (1B) The chief constable of a police force that has more than one deputy chief constable shall, after consulting the police authority responsible for maintaining the force, designate the deputy chief constables in order of seniority for the purposes of subsection (1A)(b).
- (1C) During any absence, incapacity or suspension from duty of the person who—
- (a) is designated as the most senior deputy chief constable for the purposes of subsection (1A)(b), or
 - (b) is treated under this subsection as the most senior deputy chief constable,
- the person designated as the next most senior deputy chief constable shall be treated as the most senior one for those purposes.”
- (4) For subsection (2) there is substituted—
- “(2) The chief constable of a police force shall, after consulting the police authority responsible for maintaining the force, designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable during any period when—
- (a) the chief constable is absent, incapacitated or suspended from duty and—
 - (i) the deputy chief constable, or each of the deputy chief constables, is also absent, incapacitated or suspended from duty, or
 - (ii) the office of the deputy chief constable, or of each of the deputy chief constables, is vacant;
- or
- (b) the office of the chief constable is vacant and—
 - (i) the office of the deputy chief constable, or of each of the deputy chief constables, is also vacant, or
 - (ii) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty.”
- (5) In subsection (5), for “subsections (1) and (2)” there is substituted “ subsections (1) to (2) ”.

Status: Point in time view as at 15/01/2007.

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VALID FROM 01/04/2007

Civilian employees of police authorities

- 16 (1) Section 15 (civilian employees) is amended as follows.
- (2) For subsection (2) (civilians employed by police authority to be under direction and control of chief officer of police) there is substituted—
- “(2) A police authority shall exercise its powers under section 101 (and section 107) of the Local Government Act 1972 so as to secure that, subject to section 24(3A), any person employed by the authority under this section solely to assist the police force maintained by the authority is under the direction and control of the chief officer of police of that force.”
- (3) Subsection (3) (power to agree or determine exceptions to section 15(2)) is omitted.
- 17 In section 24 (aid of one police force by another), after subsection (3) there is inserted—
- “(3A) While a person employed by a police authority under section 15 solely to assist the police force maintained by that authority is provided under this section for the assistance of another police force, he shall, notwithstanding section 15(2), be under the direction and control of the chief officer of police of that other force.”

VALID FROM 01/04/2007

Clerks to police authorities renamed chief executives

- 18 (1) Section 16 (appointment of clerk by police authority) is amended as follows.
- (2) In subsections (1) and (2), for “clerk to” there is substituted “ chief executive of”.
- (3) In the heading, for “clerk” there is substituted “ chief executive ”.
- 19 In Schedule 6 (appeals to police appeal tribunals), in paragraph 6(2), for “clerk” there is substituted “ chief executive ”.
- 20 (1) A reference in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) to the clerk to a police authority has effect as a reference to the chief executive of the authority.
- (2) A person holding office as clerk to a police authority on the commencement of paragraph 18 continues in that office as chief executive of the authority.
- (3) In this paragraph “police authority” means—
- a police authority established under section 3 of the Police Act 1996 (c. 16);
 - the Metropolitan Police Authority.

Status: Point in time view as at 15/01/2007.

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VALID FROM 01/04/2007

Jurisdiction of special constables

- 21 (1) Section 30 (jurisdiction of constables) is amended as follows.
- (2) For subsection (2) (jurisdiction of special constables) there is substituted—
- “(2) A special constable shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.”
- (3) Subsections (3) and (4) are omitted.
- 22 In section 24(3) (constable assisting another police force to be under direction and control of chief officer of that force), for “section 10(1)” there is substituted “sections 9A(1) and 10(1)”.
- 23 In section 27(2) (special constables to be under direction and control of chief officer), after “Subject to” there is inserted “section 24(3) and”.

Secretary of State's strategic functions in relation to police authorities

- 24 Sections 36A (National Policing Plan) and 37 (setting of objectives for police authorities) are repealed.
- 25 Before section 38 there is inserted—

Setting of strategic priorities for police authorities

- “37A(1) The Secretary of State may determine strategic priorities for the policing of the areas of all police authorities to which this section applies.
- (2) Before determining any such priorities the Secretary of State shall consult—
- (a) the Association of Police Authorities, and
- (b) the Association of Chief Police Officers.
- (3) The Secretary of State shall arrange for any priorities determined under this section to be published in such manner as he considers appropriate.
- (4) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.”
- 26 (1) Section 38 (setting of performance targets) is amended as follows.
- (2) In subsection (1)—
- (a) for “an objective has been determined under section 37” there is substituted “a strategic priority has been determined under section 37A”;
- (b) for “to achieve the objective” there is substituted “to give effect to that priority”.
- (3) In subsection (2), for “section 37” there is substituted “section 37A”.
- (4) After subsection (4) there is inserted—
- “(5) A police authority that is given a direction under this section shall comply with it.”

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VALID FROM 01/04/2007

Power to give directions to police authority or chief officer of police

27 For section 40 (power to give directions to police authority) there is substituted—

“40 Power to give directions in relation to police force

- (1) Where the Secretary of State is satisfied that the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the police authority responsible for maintaining the force to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that the whole or a part of a police force will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the police authority responsible for maintaining the force to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the person or persons submitting the plan propose to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to any police force unless—
 - (a) the police authority responsible for maintaining the force and the chief officer of police of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority and chief officer have each had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
 - (a) the police authority responsible for maintaining the force and the chief officer of police of that force have already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
 - (b) the information they had about those matters was sufficient to enable them to identify remedial measures that would have made the giving of the direction unnecessary; and

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(c) they have each had a reasonable opportunity to take such measures.

(6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—

(a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and

(b) an opportunity of making written observations about those grounds.

The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.

(7) A police authority that is given a direction under this section shall comply with it.

40A Power to give directions in relation to police authority

(1) Where the Secretary of State is satisfied that a police authority is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the police authority to take specified measures for the purpose of remedying the failure.

(2) Where the Secretary of State is satisfied that a police authority will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the police authority to take specified measures in order to prevent such a failure occurring.

(3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the authority submitting the plan proposes to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.

(4) The Secretary of State shall not give a direction under this section in relation to a police authority unless—

(a) the police authority has been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling it to make representations or proposals under the following paragraphs of this subsection;

(b) the police authority has been given an opportunity of making representations about those grounds;

(c) the police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and

(d) the Secretary of State has considered any such representations and any such proposals.

(5) Subsection (4) does not apply if the Secretary of State is satisfied that—

(a) the police authority has already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;

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- (b) the information the authority had about those matters was sufficient to enable it to identify remedial measures that would have made the giving of the direction unnecessary; and
 - (c) the authority has had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
 - (b) an opportunity of making written observations about those grounds.

The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.

- (7) A police authority that is given a direction under this section shall comply with it.
- (8) Nothing in this section or in section 40 prevents the Secretary of State from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

40B Procedure for directions under section 40 or 40A

- (1) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where—
- (a) a proposal is made for the giving of a direction under section 40;
 - (b) a proposal is made for the giving of a direction under section 40A.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) the Association of Police Authorities;
 - (b) the Association of Chief Police Officers; and
 - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (5) On giving a direction under section 40 or section 40A to a police authority, the Secretary of State shall notify the chief officer of police of the force in question that he has given that direction.
- (6) Where the Secretary of State gives a direction under section 40 or section 40A he shall lay before Parliament—
- (a) a copy of the direction; and
 - (b) a report about it.

Status: Point in time view as at 15/01/2007.

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28	<p style="text-align: center;">(7) A report under subsection (7)—</p> <p style="padding-left: 40px;">(a) shall be prepared at such time as the Secretary of State considers appropriate; and</p> <p style="padding-left: 40px;">(b) may relate to more than one direction.”</p> <p>In section 41 (directions as to minimum budget), in subsection (1), after “section 40” there is inserted “ or 40A ”.</p>
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VALID FROM 01/04/2007

<i>Power to give directions as to action plans</i>	
29	<p>Sections 41A and 41B (power to give directions as to action plans, and procedure for doing so) are repealed.</p>

VALID FROM 15/03/2010

<i>Arrangements for obtaining the views of the community on policing</i>	
30	<p>(1) Section 96 (arrangements for obtaining the views of the community on policing) is amended as follows.</p> <p>(2) In subsection (1)(b), after “crime” there is inserted “ and anti-social behaviour ”.</p> <p>(3) In subsection (2), for “subsection (6)” there is substituted “ provision made by virtue of subsection (6)(b) ”.</p> <p>(4) For subsections (6) to (10) there is substituted—</p> <p style="padding-left: 40px;">“(6) The Secretary of State may by regulations—</p> <p style="padding-left: 80px;">(a) make provision supplementing that made by this section (or by regulations under paragraph (b));</p> <p style="padding-left: 80px;">(b) make provision applying in place of subsection (2) in relation to the City of London police area.</p> <p style="padding-left: 40px;">(7) Regulations under subsection (6)(a) may contain—</p> <p style="padding-left: 80px;">(a) provision requiring a police authority to review arrangements made under this section from time to time;</p> <p style="padding-left: 80px;">(b) provision (further to that made by subsection (2) or by regulations under subsection (6)(b)) as to persons whom a police authority is to consult in making or reviewing the arrangements;</p> <p style="padding-left: 80px;">(c) provision as to matters to which a police authority is to have regard in making or reviewing the arrangements;</p> <p style="padding-left: 80px;">(d) provision for the Secretary of State, if not satisfied with the adequacy of arrangements made under this section by a police authority, to require the authority—</p> <p style="padding-left: 120px;">(i) to submit reports to him concerning the arrangements;</p> <p style="padding-left: 120px;">(ii) to review the arrangements.</p>

Status: Point in time view as at 15/01/2007.

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- (8) Before making regulations under this section the Secretary of State must consult—
- (a) the Association of Police Authorities,
 - (b) the Association of Chief Police Officers, and
 - (c) such other persons as he thinks fit.
- (9) Regulations under this section may make different provision for different police authorities.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

VALID FROM 31/12/2007

SCHEDULE 3

Section 5

POWER TO MERGE POLICE PENSION SCHEMES

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VALID FROM 01/04/2007

SCHEDULE 4

Section 6

CONSULTATION WITH APA AND ACPO

.....

VALID FROM 01/04/2007

SCHEDULE 5

Section 9

EXERCISE OF POLICE POWERS BY CIVILIANS

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Status: Point in time view as at 15/01/2007.

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VALID FROM 01/04/2007

SCHEDULE 6

Section 10

POLICE BAIL

PART 1

INTRODUCTORY

- 1 The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.

PART 2

POLICE BAIL GRANTED ELSEWHERE THAN AT POLICE STATION

Power to impose conditions on granting bail

- 2 In section 30A (bail elsewhere than at police station), for subsection (4) (no condition of bail may be imposed other than requirement to attend police station) there is substituted—

“(3A) Where a constable releases a person on bail under subsection (1)—

- (a) no recognizance for the person's surrender to custody shall be taken from the person,
- (b) no security for the person's surrender to custody shall be taken from the person or from anyone else on the person's behalf,
- (c) the person shall not be required to provide a surety or sureties for his surrender to custody, and
- (d) no requirement to reside in a bail hostel may be imposed as a condition of bail.

(3B) Subject to subsection (3A), where a constable releases a person on bail under subsection (1) the constable may impose, as conditions of the bail, such requirements as appear to the constable to be necessary—

- (a) to secure that the person surrenders to custody,
- (b) to secure that the person does not commit an offence while on bail,
- (c) to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person, or
- (d) for the person's own protection or, if the person is under the age of 17, for the person's own welfare or in the person's own interests.

(4) Where a person is released on bail under subsection (1), a requirement may be imposed on the person as a condition of bail only under the preceding provisions of this section.”

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Contents of notice given to person released on bail

3 In section 30B (bail under section 30A: notices), after subsection (4) there is inserted—

“(4A) If the person is granted bail subject to conditions under section 30A(3B), the notice also—

- (a) must specify the requirements imposed by those conditions,
- (b) must explain the opportunities under sections 30CA(1) and 30CB(1) for variation of those conditions, and
- (c) if it does not specify the police station at which the person is required to attend, must specify a police station at which the person may make a request under section 30CA(1)(b).”

Variation of bail conditions

4 After section 30C there is inserted—

“30CA Bail under section 30A: variation of conditions by police

(1) Where a person released on bail under section 30A(1) is on bail subject to conditions—

- (a) a relevant officer at the police station at which the person is required to attend, or
- (b) where no notice under section 30B specifying that police station has been given to the person, a relevant officer at the police station specified under section 30B(4A)(c),

may, at the request of the person but subject to subsection (2), vary the conditions.

(2) On any subsequent request made in respect of the same grant of bail, subsection (1) confers power to vary the conditions of the bail only if the request is based on information that, in the case of the previous request or each previous request, was not available to the relevant officer considering that previous request when he was considering it.

(3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—

- (a) paragraphs (a) to (d) of section 30A(3A) apply,
- (b) requirements imposed by the conditions as so varied must be requirements that appear to the relevant officer varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
- (c) the relevant officer who varies the conditions must give the person notice in writing of the variation.

(4) Power under subsection (1) to vary conditions is, subject to subsection (3) (a) and (b), power—

- (a) to vary or rescind any of the conditions, and
- (b) to impose further conditions.

(5) In this section “relevant officer”, in relation to a designated police station, means a custody officer but, in relation to any other police station—

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- (a) means a constable, or a person designated as a staff custody officer under section 38 of the Police Reform Act 2002, who is not involved in the investigation of the offence for which the person making the request under subsection (1) was under arrest when granted bail under section 30A(1), if such a constable or officer is readily available, and
- (b) if no such constable or officer is readily available—
 - (i) means a constable other than the one who granted bail to the person, if such a constable is readily available, and
 - (ii) if no such constable is readily available, means the constable who granted bail.

30CB Bail under section 30A: variation of conditions by court

- (1) Where a person released on bail under section 30A(1) is on bail subject to conditions, a magistrates' court may, on an application by or on behalf of the person, vary the conditions if—
 - (a) the conditions have been varied under section 30CA(1) since being imposed under section 30A(3B),
 - (b) a request for variation under section 30CA(1) of the conditions has been made and refused, or
 - (c) a request for variation under section 30CA(1) of the conditions has been made and the period of 48 hours beginning with the day when the request was made has expired without the request having been withdrawn or the conditions having been varied in response to the request.
- (2) In proceedings on an application for a variation under subsection (1), a ground may not be relied upon unless—
 - (a) in a case falling within subsection (1)(a), the ground was relied upon in the request in response to which the conditions were varied under section 30CA(1), or
 - (b) in a case falling within paragraph (b) or (c) of subsection (1), the ground was relied upon in the request mentioned in that paragraph,

but this does not prevent the court, when deciding the application, from considering different grounds arising out of a change in circumstances that has occurred since the making of the application.
- (3) Where conditions of bail granted to a person under section 30A(1) are varied under subsection (1)—
 - (a) paragraphs (a) to (d) of section 30A(3A) apply,
 - (b) requirements imposed by the conditions as so varied must be requirements that appear to the court varying the conditions to be necessary for any of the purposes mentioned in paragraphs (a) to (d) of section 30A(3B), and
 - (c) that bail shall not lapse but shall continue subject to the conditions as so varied.
- (4) Power under subsection (1) to vary conditions is, subject to subsection (3) (a) and (b), power—

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- (a) to vary or rescind any of the conditions, and
- (b) to impose further conditions.”

Power of arrest for breach of bail conditions

- 5 (1) Section 30D (failure to answer to bail under section 30A) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) A person who has been released on bail under section 30A may be arrested without a warrant by a constable if the constable has reasonable grounds for suspecting that the person has broken any of the conditions of bail.
- (2B) A person arrested under subsection (2A) must be taken to a police station (which may be the specified police station mentioned in subsection (1) or any other police station) as soon as practicable after the arrest.”
- (3) In subsection (4)(a) (arrest under section 30D treated for purposes of section 30 as arrest for offence, subject to obligation in subsection (2)), for “obligation in subsection (2)” there is substituted “ obligations in subsections (2) and (2B) ”.

PART 3

POLICE BAIL GRANTED AT POLICE STATION BEFORE CHARGE

Power to impose conditions on bail granted under section 37(2) or (7)(b)

- 6 In section 47(1A) (where person released on bail under Part 4, normal powers to impose conditions of bail are available only where release is under section 37(7)(a) or 38(1)), for “37(7)(a)” there is substituted “ 37 ”.

Power of arrest for breach of conditions of bail granted under section 37(2) or (7)(b)

- 7 In section 46A(1A) (person released on bail under section 37(7)(a) or 37C(2)(b) may be arrested without warrant if suspected of breaking conditions of bail), for “37(7)(a) or 37C(2)(b)” there is substituted “ 37, 37C(2)(b) or 37CA(2)(b) ”.

Dealing with person arrested for breach of conditions of bail granted under section 37(7)(b)

- 8 (1) After section 37C there is inserted—

“37CA Breach of bail following release under section 37(7)(b)

- (1) This section applies where a person released on bail under section 37(7)(b) above or subsection (2)(b) below—
- (a) is arrested under section 46A below in respect of that bail, and
 - (b) is being detained following that arrest at the police station mentioned in section 46A(2) below.
- (2) The person arrested—
- (a) shall be charged, or

Status: Point in time view as at 15/01/2007.

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(b) shall be released without charge, either on bail or without bail.

(3) The decision as to how a person is to be dealt with under subsection (2) above shall be that of a custody officer.

(4) A person released on bail under subsection (2)(b) above shall be released on bail subject to the same conditions (if any) which applied immediately before his arrest.”

(2) In section 37A(1)(a) and (3) (guidance as to exercise of functions under sections 37(7) and 37C(2)), after “37C(2)” there is inserted “ or 37CA(2) ”.

Time for person to answer bail granted under section 37(2) or (7)(b) or 37CA(2)(b)

9 (1) In section 37D(1) (release on bail under section 37(7)(a) or 37C(2)(b): appointment of different or additional time to answer bail), for “37(7)(a) or section 37C(2)(b)” there is substituted “ 37, 37C(2)(b) or 37CA(2)(b) ”.

(2) In the heading to section 37D, for “**under section 37(7)(a)**” there is substituted “**on bail under section 37**”.

Dealing with person released on bail under section 37(7)(b) or 37CA(2)(b)

10 (1) Section 37D (release under section 37(7)(a): further provision) is amended as follows.

(2) For subsection (5) (person not fit to be dealt with as mentioned in subsection (4) to be detained until fit) there is substituted—

“(4A) Where a person released on bail under section 37(7)(b) or 37CA(2)(b) above returns to a police station to answer bail or is otherwise in police detention at a police station, he may be kept in police detention to enable him to be dealt with in accordance with section 37CA above or to enable the power under subsection (1) above to be exercised.

(5) If the person mentioned in subsection (4) or (4A) above is not in a fit state to enable him to be dealt with as mentioned in that subsection or to enable the power under subsection (1) above to be exercised, he may be kept in police detention until he is.”

(3) In subsection (6) (application of section 37 where person detained under section 37D)—

(a) after “subsection (4)” there is inserted “ , (4A) ”;

(b) for “37(7)(a) or 37C(2)(b)” there is substituted “ 37(7), 37C(2)(b) or 37CA(2)(b) ”.

Applications to court where person released on bail under section 37(2) or (7)(b) or 37CA(2)(b)

11 In section 47(1B) and (1C) (applications to court where person on bail under section 37(7)(a) or 37C(2)(b)), for “37(7)(a) or 37C(2)(b)” there is substituted “ 37, 37C(2)(b) or 37CA(2)(b) ”.

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VALID FROM 01/04/2007

SCHEDULE 7

Section 15

SCHEDULE TO BE INSERTED INTO THE POLICE REFORM ACT 2002

“SCHEDULE 5A

POWERS EXERCISABLE BY ACCREDITED INSPECTORS

Power to issue fixed penalty notices

- 1 (1) An accredited inspector whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.
- (2) The powers are the powers of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) so far as exercisable in respect of a relevant fixed penalty offence.

Power to require giving of name and address

- 2 (1) Where an accredited inspector whose accreditation specifies that this paragraph applies to him has reason to believe that a person has committed a relevant fixed penalty offence in the relevant police area, he may require the person to give him his name and address.
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Photographing of persons given fixed penalty notices

- 3 An accredited inspector whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc) to take a photograph, elsewhere than at a police station, of a person to whom the accredited inspector has given a penalty notice in exercise of the powers mentioned in paragraph 1(2).

Interpretation

- 4 In this Schedule—
 - “the relevant police area”, in relation to an accredited inspector, means the police area for which the police force whose chief officer granted his accreditation is maintained;
 - “relevant fixed penalty offence”, in relation to an accredited inspector, means an offence which—

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- (a) is an offence contained in a provision mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001, and
 (b) is specified or described in his accreditation as an offence he has been accredited to enforce.”

VALID FROM 30/04/2009

SCHEDULE 8

Section 19

FURTHER PROVISION ABOUT CRIME AND DISORDER COMMITTEES OF CERTAIN LOCAL AUTHORITIES

Introductory

- 1 (1) This Schedule applies in relation to a local authority that is not operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22).
 (2) In this Schedule “local authority” and “crime and disorder committee” have the same meaning as in section 19.

Functions of crime and disorder committees

- 2 (1) The crime and disorder committee of a local authority may not discharge any functions other than its functions under section 19 or this Schedule.
 (2) In the case of a committee of a local authority that acts as its crime and disorder committee and also acts in one or more other capacities, the reference in subparagraph (1) to the crime and disorder committee is a reference to that committee in its capacity as crime and disorder committee.

Appointment of sub-committees

- 3 (1) The crime and disorder committee of a local authority—
 (a) may appoint one or more sub-committees, and
 (b) may arrange for the discharge of any of its functions by any such sub-committee.
 (2) A sub-committee of the crime and disorder committee may not discharge any functions other than those conferred on it under subparagraph (1)(b).

Meetings etc

- 4 A local authority shall make arrangements—
 (a) for enabling a member of the crime and disorder committee of the authority to ensure that a matter that is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee, and
 (b) for enabling a member of a sub-committee of such a committee to ensure that a matter that is relevant to the functions of the sub-committee is

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included in the agenda for, and is discussed at, a meeting of the sub-committee.

- 5 The crime and disorder committee of a local authority, or a sub-committee of such a committee, may include persons who are not members of the authority, but (subject to section 20(6)) such persons are not entitled to vote, at a meeting of such a committee or sub-committee, on any question that falls to be decided at that meeting.

Power to compel attendance etc

- 6 (1) The crime and disorder committee of a local authority or a sub-committee of such a committee—
- (a) may require members or officers of the authority to attend before it to answer questions;
 - (b) may invite other persons to attend meetings of the committee.
- (2) A member or officer of a local authority shall comply with any requirement made under sub-paragraph (1)(a).
- (3) A person is not obliged by sub-paragraph (2) to answer any question that he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

Miscellaneous and supplemental

- 7 The crime and disorder committee of a local authority, or a sub-committee of such a committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (c. 70) (access to meetings and documents of certain authorities, committees and sub-committees).
- 8 The crime and disorder committee of a local authority, or a sub-committee of such a committee, is to be treated as a body to which section 15 of the Local Government and Housing Act 1989 (c. 42) (duty to allocate seats to political groups) applies.
- 9 Subsections (2) and (5) of section 102 of the Local Government Act 1972 (appointment of committees) apply to the crime and disorder committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.

Application to the City of London

- 10 Paragraph 8 does not apply to the crime and disorder committee of the Common Council or to a sub-committee of that committee.
- 11 (1) The Common Council may discharge its duty under section 19(1) by itself acting as the crime and disorder committee of the Council, and sub-paragraphs (2) to (4) apply if it does so.
- (2) In section 19 or 20 or this Schedule, or in section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), a reference to the crime and disorder committee of a local authority includes a reference to the Common Council in its capacity as crime and disorder committee.

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- (3) Paragraph 2, in its application to the Common Council, has effect with the omission of sub-paragraph (2).
- (4) Paragraph 9, in its application to the Common Council, applies only so far as it relates to sub-committees.
- 12 In paragraphs 10 and 11 “the Common Council” means the Common Council of the City of London.

VALID FROM 01/08/2007

SCHEDULE 9

Section 22

AMENDMENTS TO THE CRIME AND DISORDER ACT 1998

- 1 The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- 2 (1) Section 5 (authorities responsible for strategies) is amended as follows.
- (2) In subsection (1), after “functions conferred by” there is inserted “ or under ”.
- (3) In subsection (1A)(a), for “by sections 6 to 7” there is substituted “ by or under section 6 or by section 7 ”.
- (4) In subsection (1B)(b), after “drugs” there is inserted “ , alcohol and other substances ”.
- (5) After subsection (5) there is inserted—
- “(6) The appropriate national authority may by order amend this section by—
- (a) adding an entry for any person or body to the list of authorities in subsection (1),
- (b) altering or repealing an entry for the time being included in the list, or
- (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (7) In this section the “appropriate national authority”, in relation to a person or body, means—
- (a) the National Assembly for Wales, if all the functions of the person or body are devolved Welsh functions;
- (b) the Secretary of State and the Assembly acting jointly, if the functions of the person or body include devolved Welsh functions and other functions; and
- (c) the Secretary of State, if none of the functions of the person or body are devolved Welsh functions.
- (8) In subsection (7), “devolved Welsh functions” means functions which are dischargeable only in relation to Wales and relate to matters in relation to which the Assembly has functions.”
- 3 For sections 6 and 6A there is substituted—

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“6 Formulation and implementation of strategies

- (1) The responsible authorities for a local government area shall, in accordance with section 5 and with regulations made under subsection (2), formulate and implement—
 - (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area.
- (2) The appropriate national authority may by regulations make further provision as to the formulation and implementation of a strategy under this section.
- (3) Regulations under subsection (2) may in particular make provision for or in connection with—
 - (a) the time by which a strategy must be prepared and the period to which it is to relate;
 - (b) the procedure to be followed by the responsible authorities in preparing and implementing a strategy (including requirements as to the holding of public meetings and other consultation);
 - (c) the conferring of functions on any one or more of the responsible authorities in relation to the formulation and implementation of a strategy;
 - (d) matters to which regard must be had in formulating and implementing a strategy;
 - (e) objectives to be addressed in a strategy and performance targets in respect of those objectives;
 - (f) the sharing of information between responsible authorities;
 - (g) the publication and dissemination of a strategy;
 - (h) the preparation of reports on the implementation of a strategy.
- (4) The provision which may be made under subsection (2) includes provision for or in connection with the conferring of functions on a committee of, or a particular member or officer of, any of the responsible authorities.
- (5) The matters referred to in subsection (3)(d) may in particular include guidance given by the appropriate national authority in connection with the formulation or implementation of a strategy.
- (6) Provision under subsection (3)(e) may require a strategy to be formulated so as to address (in particular)—
 - (a) the reduction of crime or disorder of a particular description; or
 - (b) the combatting of a particular description of misuse of drugs, alcohol or other substances.
- (7) Regulations under this section may make—
 - (a) different provision for different local government areas;
 - (b) supplementary or incidental provision.

Status: Point in time view as at 15/01/2007.

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- (8) For the purposes of this section any reference to the implementation of a strategy includes—
- (a) keeping it under review for the purposes of monitoring its effectiveness; and
 - (b) making any changes to it that appear necessary or expedient.
- (9) In this section the “appropriate national authority” is—
- (a) the Secretary of State, in relation to strategies for areas in England;
 - (b) the National Assembly for Wales, in relation to strategies for combatting the misuse of drugs, alcohol or other substances in areas in Wales;
 - (c) the Secretary of State and the Assembly acting jointly, in relation to strategies for combatting crime and disorder in areas in Wales.”
- 4 (1) Section 17 (duty to consider crime and disorder implications) is amended as follows.
- (2) In subsection (1), for “crime and disorder in its area” there is substituted—
- “(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) the misuse of drugs, alcohol and other substances in its area.”
- (3) For subsection (2) there is substituted—
- “(2) This section applies to each of the following—
- a local authority;
 - a joint authority;
 - the London Fire and Emergency Planning Authority;
 - a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - a metropolitan county fire authority;
 - a police authority;
 - a National Park authority;
 - the Broads Authority.”
- (4) After subsection (3) there is inserted—
- “(4) The appropriate national authority may by order amend this section by—
- (a) adding an entry for any person or body to the list of authorities in subsection (2),
 - (b) altering or repealing any entry for the time being included in the list, or
 - (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (5) In subsection (4) “the appropriate national authority” has the same meaning as in section 5.”
- 5 After section 17 there is inserted—

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“17A Sharing of information

- (1) A relevant authority is under a duty to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.
 - (2) In subsection (1) “prescribed” means prescribed in regulations made by the Secretary of State.
 - (3) The Secretary of State may only prescribe descriptions of information which appears to him to be of potential relevance in relation to the reduction of crime and disorder in any area of England and Wales (including anti-social or other behaviour adversely affecting the local environment in that area).
 - (4) Nothing in this section requires a relevant authority to disclose any personal data (within the meaning of the Data Protection Act 1998).
 - (5) In this section “relevant authority” means an authority in England and Wales which is for the time being a relevant authority for the purposes of section 115.”
- 6 (1) Section 114 (orders and regulations) is amended as follows.
- (2) In subsection (2)—
 - (a) “, 6A(1)” is omitted;
 - (b) after “regulations under” there is inserted “ section 6 or 17A or ”.
 - (3) In subsection (3)—
 - (a) after “1F,” there is inserted “ 5(6), ”;
 - (b) for “38(5) or 41(6)” there is substituted “ 17(4), 38(5), 41(6) or 115(3) ”.
 - (4) After that subsection there is inserted—

“(4) The Secretary of State must consult the National Assembly for Wales before making an order under section 5(6), 17(4) or 115(3) that relates to a person or body any of whose functions are dischargeable in relation to Wales (not being functions of the kind referred to in section 5(8)).”
- 7 (1) Section 115 (disclosure of information) is amended as follows.
- (2) In subsection (2), for “subsection (1) above” there is substituted “ this section ”, and at the end there is inserted—
 - “(h) the London Fire and Emergency Planning Authority;
 - (i) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (j) a metropolitan county fire and rescue authority.”
 - (3) After that subsection there is inserted—

“(3) The appropriate national authority may by order amend this section so far as it extends to England and Wales by—
 - (a) adding an entry for any person or body to the list of authorities in subsection (2),

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- (b) altering or repealing any entry for the time being included in the list, or
 - (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (4) In subsection (3) “the appropriate national authority” has the same meaning as in section 5.”

VALID FROM 06/04/2007

SCHEDULE 10

Section 27

INJUNCTIONS IN LOCAL AUTHORITY PROCEEDINGS: POWERS TO REMAND

Introductory

- 1 (1) The provisions of this Schedule apply where the court has power to remand a person under section 27(6) (injunctions in local authority proceedings: power of arrest and remand).
- (2) In this Schedule “the court” has the same meaning as in section 27.

Remand in custody or on bail

- 2 (1) The court may—
- (a) remand the person in custody, that is, commit him to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require, or
 - (b) remand him on bail, in accordance with the following provisions.
- (2) The court may remand the person on bail—
- (a) by taking from him a recognizance, with or without sureties, conditioned as provided in paragraph 3, or
 - (b) by fixing the amount of the recognizances with a view to their being taken subsequently, and in the meantime committing him to custody as mentioned in sub-paragraph (1)(a).
- (3) Where a person is brought before the court after remand, the court may further remand him.
- 3 (1) Where a person is remanded on bail, the court may direct that his recognizance be conditioned for his appearance—
- (a) before that court at the end of the period of remand, or
 - (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.
- (2) Where a recognizance is conditioned for a person's appearance as mentioned in sub-paragraph (1)(b), the fixing of any time for him next to appear shall be deemed to be a remand.

Status: Point in time view as at 15/01/2007.

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- (3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand him afresh.
- 4 (1) The court shall not remand a person for a period exceeding eight clear days except that—
- (a) if the court remands him on bail, it may remand him for a longer period if he and the other party consent, and
 - (b) if the court adjourns a case under section 27(9) (remand for medical examination and report) the court may remand him for the period of adjournment.
- (2) Where the court has the power to remand a person in custody it may, if the remand is for a period not exceeding three clear days, commit him to the custody of a constable.

Further remand

- 5 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period for which he was remanded, the court may, in his absence, remand him for a further time.
- (2) The power mentioned in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging his recognizance and those of any sureties for him to a later time.
- (3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand him under sub-paragraph (1), the court may in his absence enlarge his recognizance and those of any sureties for him to a later time.
- (4) The enlargement of his recognizance shall be deemed to be a further remand.
- (5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

Postponement of taking recognizance

- 6 Where under paragraph 2(2)(b) the court fixes the amount in which the principal and his sureties, if any, are to be bound, the recognizance may afterwards be taken by such person as may be prescribed by rules of court, with the same consequences as if it had been entered into before the court.

Requirements imposed on remand on bail

- 7 The court may when remanding a person on bail under this Schedule require him to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that he does not interfere with witnesses or otherwise obstruct the course of justice.

Status: Point in time view as at 15/01/2007.

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VALID FROM 01/04/2008

SCHEDULE 11

Section 39

SCHEDULE TO BE INSERTED INTO THE PROTECTION OF CHILDREN ACT 1978

“SCHEDULE

FORFEITURE OF INDECENT PHOTOGRAPHS OF CHILDREN

Application of Schedule

- 1 (1) This Schedule applies where—
 - (a) property which has been lawfully seized in England and Wales is in the custody of a constable,
 - (b) ignoring this Schedule, there is no legitimate reason for the constable to retain custody of the property,
 - (c) the constable is satisfied that there are reasonable grounds for believing that the property is or is likely to be forfeitable property, and
 - (d) ignoring this Schedule, the constable is not aware of any person who has a legitimate reason for possessing the property or any readily separable part of it.
- (2) The following property is “forfeitable property”—
 - (a) any indecent photograph or pseudo-photograph of a child;
 - (b) any property which it is not reasonably practicable to separate from any property within paragraph (a).
- (3) For the purposes of this paragraph—
 - (a) a part of any property is a “readily separable part” of the property if, in all the circumstances, it is reasonably practicable for it to be separated from the remainder of that property, and
 - (b) it is reasonably practicable for a part of any property to be separated from the remainder if it is reasonably practicable to separate it without prejudicing the remainder of the property or another part of it.
- (4) The circumstances mentioned in sub-paragraph (3)(a) include the time and costs involved in separating the property.

Possession pending forfeiture

- 2 (1) The property must be retained in the custody of a constable until it is returned or otherwise disposed of in accordance with this Schedule.
- (2) Nothing in the Police (Property) Act 1897 (property seized in the investigation of an offence) applies to property held under this Schedule.

Status: Point in time view as at 15/01/2007.

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The relevant officer

- 3 “The relevant officer”, in relation to any property, is the constable who for the time being has custody of the property.

Notice of intended forfeiture

- 4 (1) The relevant officer must give notice of the intended forfeiture of the property (“notice of intended forfeiture”) to—
- (a) every person whom he believes to have been the owner of the property, or one of its owners, at the time of the seizure of the property,
 - (b) where the property was seized from premises, every person whom the relevant officer believes to have been an occupier of the premises at that time, and
 - (c) where the property was seized as a result of a search of any person, that person.
- (2) The notice of intended forfeiture must set out—
- (a) a description of the property, and
 - (b) how a person may give a notice of claim under this Schedule and the period within which such a notice must be given.
- (3) The notice of intended forfeiture may be given to a person only by—
- (a) delivering it to him personally,
 - (b) addressing it to him and leaving it for him at the appropriate address, or
 - (c) addressing it to him and sending it to him at that address by post.
- (4) But a notice given in accordance with sub-paragraph (1)(b) may, where it is not practicable to give the notice in accordance with sub-paragraph (3), be given by—
- (a) addressing it to “the occupier” of those premises, without naming him, and
 - (b) leaving it for him at those premises or sending it to him at those premises by post.
- (5) Property may be treated or condemned as forfeited under this Schedule only if—
- (a) the requirements of this paragraph have been complied with in the case of the property, or
 - (b) it was not reasonably practicable for them to be complied with.
- (6) In this paragraph “the appropriate address”, in relation to a person, means—
- (a) in the case of a body corporate, its registered or principal office in the United Kingdom;
 - (b) in the case of a firm, the principal office of the partnership;
 - (c) in the case of an unincorporated body or association, the principal office of the body or association;
 - (d) in any other case, his usual or last known place of residence in the United Kingdom or his last known place of business in the United Kingdom.
- (7) In the case of—
- (a) a company registered outside the United Kingdom,
 - (b) a firm carrying on business outside the United Kingdom, or
 - (c) an unincorporated body or association with offices outside the United Kingdom,

Status: Point in time view as at 15/01/2007.

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the references in this paragraph to its principal office include references to its principal office within the United Kingdom (if any).

Notice of claim

- 5 (1) A person claiming that he has a legitimate reason for possessing the property or a part of it may give notice of his claim to a constable at any police station in the police area in which the property was seized.
- (2) Oral notice is not sufficient for these purposes.
- 6 (1) A notice of claim may not be given more than one month after—
- (a) the date of the giving of the notice of intended forfeiture, or
 - (b) if no such notice has been given, the date on which the property began to be retained under this Schedule (see paragraph 2).
- (2) A notice of claim must specify—
- (a) the name and address of the claimant;
 - (b) a description of the property, or part of it, in respect of which the claim is made;
 - (c) in the case of a claimant who is outside the United Kingdom, the name and address of a solicitor in the United Kingdom who is authorised to accept service, and to act, on behalf of the claimant.
- (3) Service upon a solicitor so specified is to be taken to be service on the claimant for the purposes of any proceedings by virtue of this Schedule.
- (4) In a case in which notice of intended forfeiture was given to different persons on different days, the reference in this paragraph to the day on which that notice was given is a reference—
- (a) in relation to a person to whom notice of intended forfeiture was given, to the day on which that notice was given to that person, and
 - (b) in relation to any other person, to the day on which notice of intended forfeiture was given to the last person to be given such a notice.

Automatic forfeiture in a case where no claim is made

- 7 (1) If the property is unclaimed it is treated as forfeited.
- (2) The property is “unclaimed” if, by the end of the period for the giving of a notice of claim—
- (a) no such notice has been given in relation to it or any part of it, or
 - (b) the requirements of paragraphs 5 and 6 have not been complied with in relation to the only notice or notices of claim that have been given.
- (3) Sub-paragraph (1) applies in relation to a readily separable part of the property as it applies in relation to the property, and for this purpose sub-paragraph (2) applies as if references to the property were to the part.
- (4) In this paragraph “readily separable part” has the meaning given by paragraph 1.

Status: Point in time view as at 15/01/2007.

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Decision whether to take court proceedings to condemn property as forfeited

- 8 (1) Where a notice of claim in respect of the property, or a part of it, is duly given in accordance with paragraphs 5 and 6, the relevant officer must decide whether to take proceedings to ask the court to condemn the property or a part of it as forfeited.
- (2) The decision whether to take such proceedings must be made as soon as reasonably practicable after the giving of the notice of claim.

Return of property if no forfeiture proceedings

- 9 (1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant officer decides—
- (a) not to take proceedings for condemnation of the property, or
 - (b) not to take proceedings for condemnation of a part of the property.
- (2) The relevant officer must return the property or part to the person who appears to him to have a legitimate reason for possessing the property or, if there is more than one such person, to one of those persons.
- (3) Any property required to be returned in accordance with sub-paragraph (2) must be returned as soon as reasonably practicable after the decision not to take proceedings for condemnation.

Forfeiture proceedings

- 10 (1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant officer decides to take proceedings for condemnation of the property or a part of it (“the relevant property”).
- (2) The court must condemn the relevant property if it is satisfied—
- (a) that the relevant property is forfeitable property, and
 - (b) that no-one who has given a notice of claim has a legitimate reason for possessing the relevant property.

This is subject to sub-paragraphs (5) and (7).

- (3) If the court is not satisfied that the relevant property is forfeitable property, the court must order its return to the person who appears to the court to have a legitimate reason for possessing it or, if there is more than one such person, to one of those persons.
- (4) If the court is satisfied—
- (a) that the relevant property is forfeitable property, and
 - (b) that a person who has given a notice of claim has a legitimate reason for possessing the relevant property, or that more than one such person has such a reason,
- the court must order the return of the relevant property to that person or, as the case may be, to one of those persons.
- (5) Where the court is satisfied that any part of the relevant property is a separable part, sub-paragraphs (2) to (4) apply separately in relation to each separable part of the relevant property as if references to the relevant property were references to the separable part.
- (6) For this purpose a part of any property is a “separable part” of the property if—

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- (a) it can be separated from the remainder of that property, and
 - (b) where a person has a legitimate reason for possessing the remainder of that property or any part of it, the separation will not prejudice the remainder or part.
- (7) Where the court is satisfied—
- (a) that a person who has given a notice of claim has a legitimate reason for possessing part of the relevant property, and
 - (b) that, although the part is not a separable part within the meaning given by sub-paragraph (6), it can be separated from the remainder of the relevant property,
- the court may order the return of that part to that person.
- (8) Sub-paragraph (7) does not apply to any property required to be returned to a person under sub-paragraph (4).

Supplementary orders

- 11 (1) Where the court condemns property under paragraph 10(2)—
- (a) it may order the relevant officer to take such steps in relation to the property or any part of it as it thinks appropriate, and
 - (b) where it orders a step to be taken, it may make that order conditional on specified costs relating to the taking of that step being paid by a specified person within a specified period.
- (2) A court order under paragraph 10(3), (4), (5) or (7) requiring the return of a part of the relevant property to a person may be made conditional on specified costs relating to the separation of the part from the remainder of the relevant property being paid by that person within a specified period.
- (3) Where the court makes an order under paragraph 10(7) for the return of a part of the relevant property—
- (a) it may order the relevant officer to take such steps as it thinks appropriate in relation to any property which will be prejudiced by the separation of that part, and
 - (b) where it orders a step to be taken, it may make that order conditional on specified costs relating to the taking of that step being paid by a specified person within a specified period.
- (4) For the purposes of this paragraph “specified” means specified in, or determined in accordance with, the court order.

Supplementary provision about forfeiture proceedings

- 12 Proceedings by virtue of this Schedule are civil proceedings and may be instituted in a magistrates' court which has jurisdiction in relation to the place where the property to which the proceedings relate was seized.
- 13 (1) Either party may appeal against the decision of the magistrates' court to the Crown Court.
- (2) This paragraph does not affect any right to require the statement of a case for the opinion of the High Court.

Status: Point in time view as at 15/01/2007.

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- 14 Where an appeal has been made (whether by case stated or otherwise) against the decision of the magistrates' court in proceedings by virtue of this Schedule in relation to property, the property is to be left in the custody of a constable pending the final determination of the matter.

Effect of forfeiture

- 15 Where property is treated or condemned as forfeited under this Schedule the forfeiture is to be treated as having taken effect as from the time of the seizure.

Disposal of property which is not returned

- 16 (1) This paragraph applies where any property is required to be returned to a person under this Schedule.

(2) If—

- (a) the property is (without having been returned) still in the custody of the relevant officer after the end of the period of 12 months beginning with the day on which the requirement to return it arose, and
- (b) it is not practicable to dispose of it by returning it immediately to the person to whom it is required to be returned,

the relevant officer may dispose of it in any manner he thinks fit.

- 17 (1) This paragraph applies where any property would be required to be returned to a person under this Schedule but for a failure to satisfy a condition imposed by virtue of paragraph 11(2) (return of property conditional on payment of costs within specified period).

(2) The relevant officer may dispose of the property in any manner he thinks fit.

Provisions as to proof

- 18 In proceedings under this Schedule, the fact, form and manner of the seizure are to be taken, without further evidence and unless the contrary is shown, to have been as set forth in the process.

- 19 In proceedings, the condemnation by a court of property as forfeited under this Schedule may be proved by the production of either—

- (a) the order of condemnation, or
- (b) a certified copy of the order purporting to be signed by an officer of the court by which the order was made or granted.

Saving for owner's rights

- 20 Neither the imposition of a requirement by virtue of this Schedule to return property to a person nor the return of it to a person in accordance with such a requirement affects—

- (a) the rights in relation to that property, or any part of it, of any other person, or
- (b) the right of any other person to enforce his rights against the person to whom it is returned.

Status: Point in time view as at 15/01/2007.

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Interpretation

- 21 (1) In this Schedule—
- “the court” is to be construed in accordance with paragraph 12;
 - “forfeitable property” is to be construed in accordance with paragraph 1(2);
 - “premises” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act); and
 - “the relevant officer” is to be construed in accordance with paragraph 3.
- (2) For the purposes of this Schedule the circumstances in which a person (“P”) has a legitimate reason for possessing an indecent photograph of a child (“C”) include where—
- (a) the photograph was of C aged 16 or over,
 - (b) one or both of the following sub-paragraphs apply—
 - (i) P and C are married, are civil partners of each other or are living together as partners in an enduring family relationship,
 - (ii) P and C were married, were civil partners of each other or were so living together at the time P obtained the photograph,
 - (c) the photograph shows C alone or with P, but does not show any other person,
 - (d) C has consented to the photograph being in P's possession (and that consent has not been withdrawn), and
 - (e) P owns, or is authorised (directly or indirectly) by the owner, to possess the photograph.”

VALID FROM 01/04/2008

SCHEDULE 12

Section 40

SCHEDULE TO BE INSERTED INTO THE PROTECTION OF CHILDREN (NORTHERN IRELAND) ORDER 1978

“SCHEDULE

FORFEITURE OF INDECENT PHOTOGRAPHS OF CHILDREN

Application of Schedule

- 1 (1) This Schedule applies where—
- (a) property which has been lawfully seized in Northern Ireland is in the custody of a constable,
 - (b) ignoring this Schedule, there is no legitimate reason for the constable to retain custody of the property,
 - (c) the constable is satisfied that there are reasonable grounds for believing that the property is or is likely to be forfeitable property, and

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- (d) ignoring this Schedule, the constable is not aware of any person who has a legitimate reason for possessing the property or any readily separable part of it.
- (2) The following property is “forfeitable property”—
- (a) any indecent photograph or pseudo-photograph of a child;
 - (b) any property which it is not reasonably practicable to separate from any property within paragraph (a).
- (3) For the purposes of this paragraph—
- (a) a part of any property is a “readily separable part” of the property if, in all the circumstances, it is reasonably practicable for it to be separated from the remainder of that property, and
 - (b) it is reasonably practicable for a part of any property to be separated from the remainder if it is reasonably practicable to separate it without prejudicing the remainder of the property or another part of it.
- (4) The circumstances mentioned in sub-paragraph (3)(a) include the time and costs involved in separating the property.

Possession pending forfeiture

- 2 (1) The property must be retained in the custody of a constable until it is returned or otherwise disposed of in accordance with this Schedule.
- (2) Nothing in section 31 of the Police (Northern Ireland) Act 1998 (property coming into the possession of the police) applies to property held under this Schedule.

The relevant officer

- 3 “The relevant officer”, in relation to any property, is the constable who for the time being has custody of the property.

Notice of intended forfeiture

- 4 (1) The relevant officer must give notice of the intended forfeiture of the property (“notice of intended forfeiture”) to—
- (a) every person whom he believes to have been the owner of the property, or one of its owners, at the time of the seizure of the property,
 - (b) where the property was seized from premises, every person whom the relevant officer believes to have been an occupier of the premises at that time, and
 - (c) where the property was seized as a result of a search of any person, that person.
- (2) The notice of intended forfeiture must set out—
- (a) a description of the property, and
 - (b) how a person may give a notice of claim under this Schedule and the period within which such a notice must be given.
- (3) The notice of intended forfeiture may be given to a person only by—
- (a) delivering it to him personally,
 - (b) addressing it to him and leaving it for him at the appropriate address, or

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- (c) addressing it to him and sending it to him at that address by post.
- (4) But a notice given in accordance with sub-paragraph (1)(b) may, where it is not practicable to give the notice in accordance with sub-paragraph (3), be given by—
 - (a) addressing it to “the occupier” of those premises, without naming him, and
 - (b) leaving it for him at those premises or sending it to him at those premises by post.
- (5) Property may be treated or condemned as forfeited under this Schedule only if—
 - (a) the requirements of this paragraph have been complied with in the case of the property, or
 - (b) it was not reasonably practicable for them to be complied with.
- (6) In this paragraph “the appropriate address”, in relation to a person, means—
 - (a) in the case of a body corporate, its registered or principal office in the United Kingdom;
 - (b) in the case of a firm, the principal office of the partnership;
 - (c) in the case of an unincorporated body or association, the principal office of the body or association;
 - (d) in any other case, his usual or last known place of residence in the United Kingdom or his last known place of business in the United Kingdom.
- (7) In the case of—
 - (a) a company registered outside the United Kingdom,
 - (b) a firm carrying on business outside the United Kingdom, or
 - (c) an unincorporated body or association with offices outside the United Kingdom,

the references in this paragraph to its principal office include references to its principal office within the United Kingdom (if any).

Notice of claim

- 5 (1) A person claiming that he has a legitimate reason for possessing the property or a part of it may give notice of his claim to a constable at any police station in Northern Ireland.
- (2) Oral notice is not sufficient for these purposes.
- 6 (1) A notice of claim may not be given more than one month after—
 - (a) the date of the giving of the notice of intended forfeiture, or
 - (b) if no such notice has been given, the date on which the property began to be retained under this Schedule (see paragraph 2).
- (2) A notice of claim must specify—
 - (a) the name and address of the claimant;
 - (b) a description of the property, or part of it, in respect of which the claim is made;
 - (c) in the case of a claimant who is outside the United Kingdom, the name and address of a solicitor in the United Kingdom who is authorised to accept service, and to act, on behalf of the claimant.
- (3) Service upon a solicitor so specified is to be taken to be service on the claimant for the purposes of any proceedings by virtue of this Schedule.

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- (4) In a case in which notice of intended forfeiture was given to different persons on different days, the reference in this paragraph to the day on which that notice was given is a reference—
- (a) in relation to a person to whom notice of intended forfeiture was given, to the day on which that notice was given to that person, and
 - (b) in relation to any other person, to the day on which notice of intended forfeiture was given to the last person to be given such a notice.

Automatic forfeiture in a case where no claim is made

- 7 (1) If the property is unclaimed it is treated as forfeited.
- (2) The property is “unclaimed” if, by the end of the period for the giving of a notice of claim—
- (a) no such notice has been given in relation to it or any part of it, or
 - (b) the requirements of paragraphs 5 and 6 have not been complied with in relation to the only notice or notices of claim that have been given.
- (3) Sub-paragraph (1) applies in relation to a readily separable part of the property as it applies in relation to the property, and for this purpose sub-paragraph (2) applies as if references to the property were to the part.
- (4) In this paragraph “readily separable part” has the meaning given by paragraph 1.

Decision whether to take court proceedings to condemn property as forfeited

- 8 (1) Where a notice of claim in respect of the property, or a part of it, is duly given in accordance with paragraphs 5 and 6, the relevant officer must decide whether to take proceedings to ask the court to condemn the property or a part of it as forfeited.
- (2) The decision whether to take such proceedings must be made as soon as reasonably practicable after the giving of the notice of claim.

Return of property if no forfeiture proceedings

- 9 (1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant officer decides—
- (a) not to take proceedings for condemnation of the property, or
 - (b) not to take proceedings for condemnation of a part of the property.
- (2) The relevant officer must return the property or part to the person who appears to him to have a legitimate reason for possessing the property or, if there is more than one such person, to one of those persons.
- (3) Any property required to be returned in accordance with sub-paragraph (2) must be returned as soon as reasonably practicable after the decision not to take proceedings for condemnation.

Forfeiture proceedings

- 10 (1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant officer decides to take proceedings for condemnation of the property or a part of it (“the relevant property”).

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- (2) The court must condemn the relevant property if it is satisfied—
- (a) that the relevant property is forfeitable property, and
 - (b) that no-one who has given a notice of claim has a legitimate reason for possessing the relevant property.

This is subject to sub-paragraphs (5) and (7).

- (3) If the court is not satisfied that the relevant property is forfeitable property, the court must order its return to the person who appears to the court to have a legitimate reason for possessing it or, if there is more than one such person, to one of those persons.

- (4) If the court is satisfied—

- (a) that the relevant property is forfeitable property, and
- (b) that a person who has given a notice of claim has a legitimate reason for possessing the relevant property, or that more than one such person has such a reason,

the court must order the return of the relevant property to that person or, as the case may be, to one of those persons.

- (5) Where the court is satisfied that any part of the relevant property is a separable part, sub-paragraphs (2) to (4) apply separately in relation to each separable part of the relevant property as if references to the relevant property were references to the separable part.

- (6) For this purpose a part of any property is a “separable part” of the property if—

- (a) it can be separated from the remainder of that property, and
- (b) where a person has a legitimate reason for possessing the remainder of that property or any part of it, the separation will not prejudice the remainder or part.

- (7) Where the court is satisfied—

- (a) that a person who has given a notice of claim has a legitimate reason for possessing part of the relevant property, and
- (b) that, although the part is not a separable part within the meaning given by sub-paragraph (6), it can be separated from the remainder of the relevant property,

the court may order the return of that part to that person.

- (8) Sub-paragraph (7) does not apply to any property required to be returned to a person under sub-paragraph (4).

Supplementary orders

- 11 (1) Where the court condemns property under paragraph 10(2)—
- (a) it may order the relevant officer to take such steps in relation to the property or any part of it as it thinks appropriate, and
 - (b) where it orders a step to be taken, it may make that order conditional on specified costs relating to the taking of that step being paid by a specified person within a specified period.
- (2) A court order under paragraph 10(3), (4), (5) or (7) requiring the return of a part of the relevant property to a person may be made conditional on specified costs relating

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to the separation of the part from the remainder of the relevant property being paid by that person within a specified period.

- (3) Where the court makes an order under paragraph 10(7) for the return of a part of the relevant property—
- (a) it may order the relevant officer to take such steps as it thinks appropriate in relation to any property which will be prejudiced by the separation of that part, and
 - (b) where it orders a step to be taken, it may make that order conditional on specified costs relating to the taking of that step being paid by a specified person within a specified period.
- (4) For the purposes of this paragraph “specified” means specified in, or determined in accordance with, the court order.

Supplementary provision about forfeiture proceedings

- 12 Proceedings by virtue of this Schedule are civil proceedings and may be instituted in a court of summary jurisdiction for the petty sessions district in which the property to which the proceedings relate was seized.
- 13 (1) Either party may appeal against the decision of that court to a county court.
- (2) This paragraph does not affect any right to require the statement of a case for the opinion of the Court of Appeal.
- 14 Where an appeal has been made (whether by case stated or otherwise) against the decision of the court of summary jurisdiction in proceedings by virtue of this Schedule in relation to property, the property is to be left in the custody of a constable pending the final determination of the matter.

Effect of forfeiture

- 15 Where property is treated or condemned as forfeited under this Schedule the forfeiture is to be treated as having taken effect as from the time of the seizure.

Disposal of property which is not returned

- 16 (1) This paragraph applies where any property is required to be returned to a person under this Schedule.
- (2) If—
- (a) the property is (without having been returned) still in the custody of the relevant officer after the end of the period of 12 months beginning with the day on which the requirement to return it arose, and
 - (b) it is not practicable to dispose of it by returning it immediately to the person to whom it is required to be returned,
- the relevant officer may dispose of it in any manner he thinks fit.
- 17 (1) This paragraph applies where any property would be required to be returned to a person under this Schedule but for a failure to satisfy a condition imposed by virtue of paragraph 11(2) (return of property conditional on payment of costs within specified period).
- (2) The relevant officer may dispose of the property in any manner he thinks fit.

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Provisions as to proof

- 18 In proceedings under this Schedule, the fact, form and manner of the seizure are to be taken, without further evidence and unless the contrary is shown, to have been as set forth in the process.
- 19 In proceedings, the condemnation by a court of property as forfeited under this Schedule may be proved by the production of either—
- (a) the order of condemnation, or
 - (b) a certified copy of the order purporting to be signed by an officer of the court by which the order was made or granted.

Saving for owner's rights

- 20 Neither the imposition of a requirement by virtue of this Schedule to return property to a person nor the return of it to a person in accordance with such a requirement affects—
- (a) the rights in relation to that property, or any part of it, of any other person, or
 - (b) the right of any other person to enforce his rights against the person to whom it is returned.

Interpretation

- 21 In this Schedule—
- “the court” is to be construed in accordance with paragraph 12;
- “forfeitable property” is to be construed in accordance with paragraph 1(2);
- “premises” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (see Article 25 of that Order); and
- “the relevant officer” is to be construed in accordance with paragraph 3.”

SCHEDULE 13

Section 42

EXTRADITION

PART 1

AMENDMENTS TO THE EXTRADITION ACT 2003

Requests for extradition of persons unlawfully at large

- 1 (1) In section 2 (Part 1 warrant and certificate), in subsection (5)(a), for “is alleged to be unlawfully at large after conviction” there is substituted “has been convicted”.
- (2) In section 70 (request and certificate for extradition to category 2 territory)—
- (a) in subsection (3), after “subsection (4)” there is inserted “or the statement referred to in subsection (4A)”; and
 - (b) for subsection (4) there is substituted—

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- “(4) The statement is one that—
- (a) the person is accused in the category 2 territory of the commission of an offence specified in the request, and
 - (b) the request is made with a view to his arrest and extradition to the category 2 territory for the purpose of being prosecuted for the offence.

- (4A) The statement is one that—
- (a) the person has been convicted of an offence specified in the request by a court in the category 2 territory, and
 - (b) the request is made with a view to his arrest and extradition to the category 2 territory for the purpose of being sentenced for the offence or of serving a sentence of imprisonment or another form of detention imposed in respect of the offence.”

- (3) In section 142 (issue of Part 3 warrant), in subsection (5)(a), for “is alleged to be unlawfully at large after conviction” there is substituted “has been convicted”.

Commencement Information

19 Sch. 13 para. 1 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 2 (1) In section 14 (passage of time), for the words from “since” to the end there is substituted “since he is alleged to have—
- (a) committed the extradition offence (where he is accused of its commission), or
 - (b) become unlawfully at large (where he is alleged to have been convicted of it)”.

- (2) After section 68 there is inserted—

“68A Unlawfully at large

- (1) A person is alleged to be unlawfully at large after conviction of an offence if—
- (a) he is alleged to have been convicted of it, and
 - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (2) This section applies for the purposes of this Part, other than sections 14 and 63.”
- (3) In section 82 (passage of time), for the words from “since” to the end there is substituted “since he is alleged to have—
- (a) committed the extradition offence (where he is accused of its commission), or
 - (b) become unlawfully at large (where he is alleged to have been convicted of it)”.
- (4) After section 140 there is inserted—

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“140A Unlawfully at large

- (1) A person is alleged to be unlawfully at large after conviction of an offence if—
- (a) he is alleged to have been convicted of it, and
 - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.
- (2) This section applies for the purposes of this Part, other than sections 82 and 136.”
- (5) In section 143 (undertaking in relation to person serving sentence), in subsection (4), for “alleged to be unlawfully at large after conviction” there is substituted “ who has been convicted ”.
- (6) In section 148 (extradition offences), in subsection (3)(a), for “is alleged to be unlawfully at large after conviction” there is substituted “ has been convicted ”.
- (7) In section 179 (competing claims to extradition), after subsection (4) there is inserted—
- “(5) For the purposes of this section a person is alleged to be unlawfully at large after conviction of an offence if—
- (a) he is alleged to have been convicted of it, and
 - (b) his extradition is sought for the purpose of his being sentenced for the offence or of his serving a sentence of imprisonment or another form of detention imposed in respect of the offence.”
- (8) In section 188 (re-extradition to category 1 territories), in subsection (1)(b)(i), for “was alleged to be unlawfully at large after conviction” there is substituted “ had been convicted ”.
- (9) In section 189 (re-extradition to category 2 territories), in subsection (1)(b), for “was alleged to be unlawfully at large after conviction” there is substituted “ had been convicted ”.

Commencement Information

I10 Sch. 13 para. 2 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Restriction on extradition following transfer from International Criminal Court

- 3 (1) In section 11 (bars to extradition)—
- (a) after paragraph (h) of subsection (1) there is inserted—
 - “(i) the person's earlier transfer to the United Kingdom by the International Criminal Court.”;
 - (b) in subsection (2), for “Sections 12 to 19” there is substituted “ Sections 12 to 19A ”.
- (2) After section 19 there is inserted—

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“19A Earlier transfer to United Kingdom by International Criminal Court

- (1) A person's extradition to a category 1 territory is barred by reason of his earlier transfer by the International Criminal Court if (and only if)—
 - (a) the person was transferred to the United Kingdom to serve a sentence imposed by the Court;
 - (b) under arrangements between the United Kingdom and the Court, the consent of the Presidency of the Court is required to the person's extradition from the United Kingdom to the category 1 territory in respect of the extradition offence under consideration;
 - (c) that consent has not been given.
- (2) Subsection (1) does not apply if the person has served the sentence imposed by the Court and has subsequently—
 - (a) remained voluntarily in the United Kingdom for more than 30 days, or
 - (b) left the United Kingdom and returned to it.”
- (3) In section 93 (Secretary of State's consideration of case), after paragraph (c) of subsection (2) there is inserted—
 - “(d) section 96A (earlier transfer to United Kingdom by International Criminal Court).”
- (4) After section 96 there is inserted—

“96A Earlier transfer to United Kingdom by International Criminal Court

- (1) The Secretary of State must not order a person's extradition to a category 2 territory if—
 - (a) the person was transferred to the United Kingdom to serve a sentence imposed by the International Criminal Court;
 - (b) under arrangements between the United Kingdom and the Court, the consent of the Presidency of the Court is required to the person's extradition from the United Kingdom to the category 2 territory in respect of the extradition offence under consideration;
 - (c) that consent has not been given.
- (2) Subsection (1) does not apply if the person has served the sentence imposed by the Court and has subsequently—
 - (a) remained voluntarily in the United Kingdom for more than 30 days, or
 - (b) left the United Kingdom and returned to it.”

Commencement Information

III Sch. 13 para. 3 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Restriction on extradition in cases where trial in United Kingdom more appropriate

PROSPECTIVE

- 4 (1) In section 11 (bars to extradition)—
- (a) at the end of subsection (1) there is inserted—
 - “(j) forum.”;
 - (b) in subsection (2), for the words from “12” to “apply” there is substituted “12 to 19B apply”.
- (2) After section 19A (inserted by paragraph 3 above) there is inserted—
- “19B Forum**
- (1) A person’s extradition to a category 1 territory (“the requesting territory”) is barred by reason of forum if (and only if) it appears that—
 - (a) a significant part of the conduct alleged to constitute the extradition offence is conduct in the United Kingdom, and
 - (b) in view of that and all the other circumstances, it would not be in the interests of justice for the person to be tried for the offence in the requesting territory.
 - (2) For the purposes of subsection (1)(b) the judge must take into account whether the relevant prosecution authorities in the United Kingdom have decided not to take proceedings against the person in respect of the conduct in question.
 - (3) This section does not apply if the person is alleged to be unlawfully at large after conviction of the extradition offence.”

PROSPECTIVE

- 5 (1) In section 79 (bars to extradition)—
- (a) at the end of subsection (1) there is inserted—
 - “(e) forum.”;
 - (b) in subsection (2), for “Sections 80 to 83” there is substituted “Sections 80 to 83A”.
- (2) After section 83 there is inserted—
- “83A Forum**
- (1) A person’s extradition to a category 2 territory (“the requesting territory”) is barred by reason of forum if (and only if) it appears that—
 - (a) a significant part of the conduct alleged to constitute the extradition offence is conduct in the United Kingdom, and
 - (b) in view of that and all the other circumstances, it would not be in the interests of justice for the person to be tried for the offence in the requesting territory.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) For the purposes of subsection (1)(b) the judge must take into account whether the relevant prosecution authorities in the United Kingdom have decided not to take proceedings against the person in respect of the conduct in question.
- (3) This section does not apply if the person is alleged to be unlawfully at large after conviction of the extradition offence.”

- 6
- (1) An order bringing paragraph 4 or 5 into force is not to be made within the period of 12 months beginning with the day on which this Act is passed.
 - (2) If after the end of that period a resolution is made by each House of Parliament that paragraphs 4 and 5 (or either of them) should come into force, the Secretary of State shall make an order under section 53 bringing the paragraphs (or paragraph) into force.
 - (3) An order made by virtue of sub-paragraph (2) must bring the provisions in question into force no later than one month after the day on which the resolutions referred to in that sub-paragraph are made or, if they are made on different days, the day on which the later resolution is made.

Remand of person serving sentence in United Kingdom

- 7
- In sections 23 and 89 (person serving sentence in United Kingdom), after subsection (2) there is inserted—
- “(3) In a case where an extradition hearing is adjourned under subsection (2)—
- (a) section 131 of the Magistrates' Courts Act 1980 (remand of accused already in custody) has effect as if a reference to 28 clear days in subsection (1) or (2) of that section were a reference to six months;
 - (b) Article 47(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (period of remand in custody) has effect as if a reference to 28 days in—
 - (i) paragraph (a)(iii), or
 - (ii) the words after paragraph (b),were a reference to six months.”

Commencement Information

I12 Sch. 13 para. 7 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Remands in connection with appeal proceedings

- 8
- (1) In section 29 (court's powers on appeal under section 28), after subsection (6) there is inserted—
 - “(7) If the court allows the appeal it must remand the person in custody or on bail.
 - (8) If the court remands the person in custody it may later grant bail.”
 - (2) In section 30 (detention pending conclusion of appeal under section 28)—
 - (a) for paragraph (b) of subsection (4) there is substituted—

Status: Point in time view as at 15/01/2007.

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- “(b) when the High Court—
- (i) allows the appeal, or
 - (ii) dismisses the appeal,
- unless, where the appeal is dismissed, the authority immediately informs the court that it intends to apply for leave to appeal to the House of Lords;”;
- (b) in paragraph (c) of that subsection, at the end there is inserted “, if no appeal to the House of Lords is brought before the end of that period ”;
- (c) in subsection (5)(a), for “if” there is substituted “ unless ”.
- (3) In section 32 (appeal to House of Lords), for subsection (10) there is substituted—
- “(10) The High Court may grant bail to a person appealing under this section, or applying for leave to appeal under this section, against the dismissal of his appeal under section 26.”
- (4) In section 33 (powers of House of Lords on appeal under section 32), at the end there is inserted—
- “(10) In a case where—
- (a) subsection (5) applies, or
 - (b) subsections (7) and (8) apply,
- the House of Lords must remand, in custody or on bail, the person in respect of whom the warrant was issued.
- (11) If the House of Lords remands the person in custody the High Court may later grant bail.”
- (5) After section 33 there is inserted—

“33A Detention pending conclusion of certain appeals under section 32

- (1) This section applies if immediately after the High Court orders the person's discharge the court is informed by the authority which issued the Part 1 warrant that it intends to appeal under section 32.
- (2) The court must remand the person in custody or on bail while the appeal under section 32 is pending.
- (3) If the court remands the person in custody it may later grant bail.
- (4) An appeal under section 32 ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are discontinued;
 - (b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal under section 26 is granted, if no appeal to the House of Lords is brought before the end of that period;
 - (c) when there is no further step that can be taken by the authority which issued the Part 1 warrant in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).
- (5) The preceding provisions of this section do not apply to Scotland.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) In section 104 (court's powers on appeal under section 103), after subsection (7) there is inserted—

“(8) If the court makes a direction under subsection (1)(b) it must remand the person in custody or on bail.

(9) If the court remands the person in custody it may later grant bail.”

(7) In section 106 (court's powers on appeal under section 105), after subsection (8) there is inserted—

“(9) If the court—

(a) allows the appeal, or

(b) makes a direction under subsection (1)(b),

it must remand the person in custody or on bail.

(10) If the court remands the person in custody it may later grant bail.”

(8) In section 107 (detention pending conclusion of appeal under section 105)—

(a) for paragraph (b) of subsection (4) there is substituted—

“(b) when the High Court—

(i) allows the appeal,

(ii) makes a direction under section 106(1)(b), or

(iii) dismisses the appeal,

unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the House of Lords;”;

(b) in paragraph (c) of that subsection, at the end there is inserted “, if no appeal to the House of Lords is brought before the end of that period ”;

(c) in subsection (5)(a), for “if” there is substituted “ unless ”.

(9) In section 111 (court's powers on appeal under section 110), after subsection (5) there is inserted—

“(6) If the court allows the appeal it must remand the person in custody or on bail.

(7) If the court remands the person in custody it may later grant bail.”

(10) For section 112 there is substituted—

“112 Detention pending conclusion of appeal under section 110

(1) This section applies in a case where the Secretary of State orders the person's discharge under this Part.

(2) Subject to subsection (3)—

(a) the order made by the appropriate judge under section 92(4) (“the remand order”) remains in force until the end of the period of three days beginning with the day on which the person's discharge is ordered;

(b) if within that period the Secretary of State is informed in writing on behalf of the category 2 territory of an intention to appeal under

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section 110, the remand order remains in force while the appeal is pending.

- (3) If the person is remanded in custody under section 92(4), the appropriate judge may grant bail.
- (4) An appeal under section 110 ceases to be pending at the earliest of these times—
- (a) when the proceedings on the appeal are discontinued;
 - (b) when the High Court—
 - (i) allows the appeal, or
 - (ii) dismisses the appeal,
 unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the House of Lords;
 - (c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal is granted, if no appeal to the House of Lords is brought before the end of that period;
 - (d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).
- (5) The preceding provisions of this section apply to Scotland with these modifications—
- (a) in subsection (4)(b) omit the words from “unless” to the end;
 - (b) omit subsection (4)(c).”
- (11) In section 114 (appeal to House of Lords), for subsection (10) there is substituted—
- “(10) The High Court may grant bail to a person appealing under this section, or applying for leave to appeal under this section, against the dismissal of his appeal under section 103 or 108.”
- (12) In section 115 (powers of House of Lords on appeal under section 114), after subsection (8) there is inserted—
- “(9) In a case where subsection (5) or (7) applies, the House of Lords must remand, in custody or on bail, the person whose extradition is requested.
- (10) If the House of Lords remands the person in custody the High Court may later grant bail.”
- (13) After section 115 there is inserted—

“115A Detention pending conclusion of certain appeals under section 114

- (1) This section applies if—
- (a) on an appeal under section 103 or 108 the High Court orders the person's discharge;
 - (b) immediately after it does so, the court is informed on behalf of the category 2 territory of an intention to appeal under section 114.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) The court must remand the person in custody or on bail while the appeal is pending.
- (3) If the court remands the person in custody it may later grant bail.
- (4) An appeal under section 114 ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are discontinued;
 - (b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal under section 103 or 108 is granted, if no appeal to the House of Lords is brought before the end of that period;
 - (c) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).
- (5) The preceding provisions of this section do not apply to Scotland.”

Commencement Information

I13 Sch. 13 para. 8 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Time for extradition

- 9 (1) In section 35 (extradition where no appeal), in paragraph (a) of subsection (4) (period within which person must be extradited), for “the day on which the judge makes the order” there is substituted “ the first day after the period permitted under section 26 for giving notice of appeal against the judge's order ”.
- (2) In section 37 (undertaking in relation to person serving sentence in United Kingdom), after paragraph (b) of subsection (8) there is inserted— “ Paragraph (a) applies only if the day mentioned in that paragraph is later than the day mentioned in section 35(4) (a). ”
- (3) In section 38 (extradition following deferral for competing claim), at the end of subsection (3) there is inserted— “ This subsection applies only if the day on which the order is made is later than the day mentioned in section 35(4)(a). ”

Commencement Information

I14 Sch. 13 para. 9 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Extradition of person serving sentence in United Kingdom

- 10 (1) Section 37 (undertaking in relation to person serving sentence in United Kingdom) is amended as follows.
- (2) In subsection (1), at the end of paragraph (b) there is inserted “, either—
 - (i) in custody, or
 - (ii) on licence”.

Status: Point in time view as at 15/01/2007.

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(3) In subsection (4), after “in relation to a person” there is inserted “ within subsection (1)(b)(i) who is ”.

(4) After that subsection there is inserted—

“(4A) The terms which may be specified by the judge in relation to a person within subsection (1)(b)(ii) who is accused in a category 1 territory of the commission of an offence include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 1 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 1 territory.”

Commencement Information

I15 Sch. 13 para. 10 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

11 (1) Section 52 (undertaking in relation to person serving sentence in consent cases) is amended as follows.

(2) In subsection (1), at the end of paragraph (b) there is inserted “, either—

- (i) in custody, or
- (ii) on licence”.

(3) In subsection (3), after “in relation to a person” there is inserted “ within subsection (1)(b)(i) who is ”.

(4) After that subsection there is inserted—

“(3A) The terms which may be specified by the judge in relation to a person within subsection (1)(b)(ii) who is accused in a category 1 territory of the commission of an offence include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 1 territory for—

- (a) the offence, and
- (b) any other offence in respect of which he is permitted to be dealt with in the category 1 territory.”

Commencement Information

I16 Sch. 13 para. 11 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

12 In section 59 (return of person to serve remainder of sentence), after paragraph (b) of subsection (1) there is inserted—

- “(c) the person is not yet entitled to be released from detention pursuant to his sentence (whether on licence or otherwise).”

Commencement Information

I17 Sch. 13 para. 12 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Status: Point in time view as at 15/01/2007.

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- 13 (1) Section 119 (undertaking in relation to person serving sentence in United Kingdom) is amended as follows.
- (2) In subsection (1), at the end of paragraph (b) there is inserted “, either—
- (i) in custody, or
 - (ii) on licence”.
- (3) In subsection (3), after “in relation to a person” there is inserted “ within subsection (1)(b)(i) who is ”.
- (4) After that subsection there is inserted—
- “(3A) The terms which may be specified by the Secretary of State in relation to a person within subsection (1)(b)(ii) who is accused in a category 2 territory of the commission of an offence include terms that the person be returned to the United Kingdom to serve the remainder of his sentence after serving any sentence imposed on him in the category 2 territory for—
- (a) the offence, and
 - (b) any other offence in respect of which he is permitted to be dealt with in the category 2 territory.”

Commencement Information

I18 Sch. 13 para. 13 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 14 In section 132 (return of person to serve remainder of sentence), after paragraph (b) of subsection (1) there is inserted—
- “(c) the person is not yet entitled to be released from detention pursuant to his sentence (whether on licence or otherwise).”

Commencement Information

I19 Sch. 13 para. 14 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

“The appropriate judge”

- 15 (1) In sections 67 and 139 (the appropriate judge), after subsection (3) there is inserted—
- “(3A) The use of the expression “the judge” in a section containing a previous reference to “the appropriate judge” or “the judge” does not in itself require both references to be read as referring to the same individual.”
- (2) In section 187 (re-extradition hearing), for subsection (10) there is substituted—
- “(10) Section 139 applies for the purposes of this section as it applies for the purposes of Part 2.”

Commencement Information

I20 Sch. 13 para. 15 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Status: Point in time view as at 15/01/2007.

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- 16 (1) In the provisions listed in sub-paragraph (2), for “If the judge remands the person in custody he may” there is substituted “ If the person is remanded in custody, the appropriate judge may ”.
- (2) The provisions are—
- section 7(10);
 - section 8(2);
 - section 9(5);
 - section 21(5);
 - section 24(3);
 - section 30(3);
 - section 44(6);
 - section 46(3);
 - section 50(3);
 - section 51(5);
 - section 72(9);
 - section 74(9);
 - section 77(5);
 - section 90(5);
 - section 92(5);
 - section 107(3);
 - section 112(3);
 - paragraph 15 of Schedule 1 (in the inserted subsection (5));
 - paragraph 33 of Schedule 1 (in the inserted subsection (1B));
 - paragraph 36 of Schedule 1 (in subsection (6) of the inserted section 128B).

Commencement Information

I21 Sch. 13 para. 16 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Extradition to category 2 territories: requests and certificates

- 17 (1) Section 70 (extradition request and certificate) is amended as follows.
- (2) In subsection (1)—
- (a) after “must” there is inserted “ (subject to subsection (2)) ”;
 - (b) for the words after “extradition” there is substituted “ of a person to a category 2 territory ”.
- (3) For subsection (2) there is substituted—
- “(2) The Secretary of State may refuse to issue a certificate under this section if—
- (a) he has power under section 126 to order that proceedings on the request be deferred,
 - (b) the person whose extradition is requested has been recorded by the Secretary of State as a refugee within the meaning of the Refugee Convention, or
 - (c) the person whose extradition is requested has been granted leave to enter or remain in the United Kingdom on the ground that it would

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be a breach of Article 2 or 3 of the Human Rights Convention to remove him to the territory to which extradition is requested.

(2A) In subsection (2)—

“Refugee Convention” has the meaning given by section 167(1) of the Immigration and Asylum Act 1999;

“Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998.”

(4) In subsection (8)—

(a) the words after “must” become paragraph (a) of that subsection;

(b) at the end of that paragraph there is inserted “, and

(b) identify the order by which the territory in question is designated as a category 2 territory.”

(5) In subsection (9), for the words after “send” there is substituted “ the request and the certificate to the appropriate judge ”.

Commencement Information

I22 Sch. 13 para. 17 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Time for representations and consideration of case under Part 2

18 (1) Section 93 (Secretary of State's consideration of case) is amended as follows.

(2) In subsection (6) (length of permitted period for representations), for “6 weeks” there is substituted “ 4 weeks ”.

(3) After that subsection there is inserted—

“(7) In the case of a person who has consented under section 127 to his extradition, the Secretary of State is not required—

(a) to wait until the end of the permitted period before ordering the person's extradition, or

(b) to consider any representations received after the order is made.”

Commencement Information

I23 Sch. 13 para. 18 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Applications for discharge or for extension of time limit

19 (1) Section 99 (time limit for order for extradition or discharge) is amended as follows.

(2) In subsection (2)—

(a) for “the High Court” there is substituted “ the appropriate judge ”;

(b) for “the court” there is substituted “ the judge ”.

(3) In subsection (4)—

(a) for “applies to the High Court” there is substituted “ applies to the appropriate judge ”;

Status: Point in time view as at 15/01/2007.

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(b) for “the High Court may” there is substituted “ the judge may ”.

Commencement Information

I24 Sch. 13 para. 19 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Scotland: references to Secretary of State

20 In section 141 (Scotland: references to Secretary of State), in subsection (2), after “Secretary of State” there is inserted “ in paragraph (b) of section 70(2), in paragraph (c) of section 93(4) and ”.

Commencement Information

I25 Sch. 13 para. 20 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

*Issue of Part 3 warrant: persons unlawfully at large
who may be arrested without domestic warrant*

21 (1) In section 142 (issue of Part 3 warrant), in subsection (1)(b), after “subsection (2)” there is inserted “ , or the condition in subsection (2A), ”.

(2) For subsection (2) of that section there is substituted—

“(2) The condition is that—

- (a) there are reasonable grounds for believing that the person has committed an extradition offence, and
- (b) a domestic warrant has been issued in respect of the person.

(2A) The condition is that—

- (a) there are reasonable grounds for believing that the person is unlawfully at large after conviction of an extradition offence by a court in the United Kingdom, and
- (b) either a domestic warrant has been issued in respect of the person or the person may (if unlawfully at large as mentioned in paragraph (a)) be arrested without a warrant.”

Commencement Information

I26 Sch. 13 para. 21 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

*Issue of Part 3 warrant: domestic warrant issued
at common law by judge in Northern Ireland*

22 For subsection (8) of section 142 there is substituted—

“(8) A domestic warrant is a warrant for the arrest or apprehension of a person which is issued under any of the provisions referred to in subsection (8A), or at common law by a Crown Court judge in Northern Ireland.

(8A) The provisions are—

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) section 72 of the Criminal Justice Act 1967;
- (b) section 7 of the Bail Act 1976;
- (c) section 51 of the Judicature (Northern Ireland) Act 1978;
- (d) section 1 of the Magistrates' Courts Act 1980;
- (e) Article 20 or 25 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26));
- (f) the Criminal Procedure (Scotland) Act 1995.”

Commencement Information

I27 Sch. 13 para. 22 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Dealing with person for pre-extradition offences following extradition to UK

- 23 In section 146(3)(c) (consent of category 1 territory to person being dealt with for other offence), after “given on behalf of the territory” there is inserted “ in response to a request made by the appropriate judge ”.

Commencement Information

I28 Sch. 13 para. 23 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Extradition requests to territories not applying European framework decision to old cases

- 24 After section 155 there is inserted—

“155A Category 1 territories not applying framework decision to old cases

- (1) This section applies to a category 1 territory that deals with European extradition requests otherwise than in accordance with the system provided for in the European framework decision if they relate to acts committed before a particular date (“the relevant date”).
- (2) In the case of a territory to which this section applies, the Secretary of State has the same powers to request a person's extradition in relation to acts committed before the relevant date as he would have in the case of a category 2 territory.
- (3) The Secretary of State may by order provide that, in the case of an extradition request which—
 - (a) is made to a specified category 1 territory to which this section applies, and
 - (b) relates to acts committed before the relevant date,this Part is to have effect as if that territory were a category 2 territory, and with such modifications as may be specified.
- (4) In this section—

“European extradition request” means a request for extradition made by the United Kingdom or a category 1 territory;

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“European framework decision” means the framework decision of the Council of the European Union made on 13 June 2002 on the European arrest warrant and the surrender procedures between member states (2002/584/JHA);

“specified”, in relation to an order under this section, means specified in the order.”

Commencement Information

I29 Sch. 13 para. 24 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Extradition of serving prisoner

25 After section 197 there is inserted—

“197A Extradition of serving prisoner

If an order is made under Part 1 or 2 for the extradition of a person who is serving a sentence of imprisonment or another form of detention in the United Kingdom, the order is sufficient authority for the person to be removed from the prison or other institution where he is detained.”

Commencement Information

I30 Sch. 13 para. 25 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Authentication of receivable documents

26 In section 202 (receivable documents), in subsection (4) (persons who may authenticate documents)—

(a) in paragraph (a), for “other judicial authority” there is substituted “ officer ”;

(b) after that paragraph there is inserted—

“(aa) it purports to be certified, whether by seal or otherwise, by the Ministry or Department of the territory responsible for justice or for foreign affairs;”.

Commencement Information

I31 Sch. 13 para. 26 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 2

AMENDMENTS TO OTHER ACTS

Powers of High Court in relation to bail decisions by magistrates' court etc

- 27 (1) Section 22 of the Criminal Justice Act 1967 (c. 80) (power of High Court to grant, or vary conditions of, bail) is amended as follows.
- (2) After subsection (1) (application to grant bail etc where case stated to High Court) there is inserted—
- “(1A) Where a magistrates' court withholds bail in extradition proceedings or imposes conditions in granting bail in extradition proceedings, the High Court may grant bail or vary the conditions.”
- (3) In subsection (4) (which defines certain terms used in section 22), after “ “bail in criminal proceedings”” there is inserted “ , “extradition proceedings” ”.

Commencement Information

I32 Sch. 13 para. 27 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 28 In section 1(1A) of the Bail (Amendment) Act 1993 (c. 26) (right of prosecution to appeal to Crown Court against granting of bail in extradition proceedings), for “a judge of the Crown Court” there is substituted “ the High Court ”.

Commencement Information

I33 Sch. 13 para. 28 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

- 29 (1) Section 10 of the Justice (Northern Ireland) Act 2004 (c. 4) (prosecution right of appeal against grant of bail by magistrates' court) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) Where a magistrates' court grants bail to a person in connection with extradition proceedings, the prosecution may appeal to the High Court against the granting of bail.”
- (3) In subsection (3), after “subsection (1)” there is inserted “ or (1A) ”.
- (4) In subsection (4)—
- (a) after “subsection (1)” there is inserted “ or (1A) ”;
- (b) for “the magistrates' court” there is substituted “ the court which has granted bail ”.
- (5) In subsections (5) and (6), for “the magistrates' court” there is substituted “ the court which has granted bail ”.
- (6) In subsection (8)—
- (a) after “subsection (1)” there is inserted “ or (1A) ”;
- (b) “magistrates” is omitted.
- (7) After subsection (11) there is inserted—

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(12) In this section—

“extradition proceedings” means proceedings under the Extradition Act 2003;

“magistrates' court” and “court”, in relation to extradition proceedings, mean a resident magistrate designated in accordance with section 67 or section 139 of the Extradition Act 2003;

“prosecution”, in relation to extradition proceedings, means the person acting on behalf of the territory to which extradition is sought.”

Commencement Information

I34 Sch. 13 para. 29 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

30 After section 10 of the Justice (Northern Ireland) Act 2004 there is inserted—

“10A Prosecution right of appeal against grant of bail by county court judge in extradition proceedings

(1) Section 10 applies to the granting of bail by a county court judge in extradition proceedings as it applies to the granting of bail by a magistrates' court in such proceedings; and references in that section to a magistrates' court shall be construed accordingly.

(2) In this section “extradition proceedings” has the same meaning as in section 10.”

Commencement Information

I35 Sch. 13 para. 30 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Credit against sentence for periods of remand in custody of persons extradited to UK

31 In section 243 of the Criminal Justice Act 2003 (c. 44) (persons extradited to the United Kingdom), in subsection (1), after “imposed” there is inserted “ or he received that sentence ”.

Commencement Information

I36 Sch. 13 para. 31 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

32 In section 101 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention and training orders: term of order, taking account of remands, etc), after subsection (12) there is inserted—

“(12A) Section 243 of the Criminal Justice Act 2003 (persons extradited to the United Kingdom) applies in relation to a person sentenced to a detention and training order as it applies in relation to a fixed-term prisoner, with the reference in subsection (2) of that section to section 240 being read as a reference to subsection (8) above.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I37 Sch. 13 para. 32 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

33 (1) Section 47 of the Criminal Justice Act 1991 (c. 53) (persons extradited to the United Kingdom) is amended as follows.

(2) In subsection (1), after “imposed” there is inserted “ or he received that sentence ”.

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

“(3A) This section applies in relation to a person sentenced to a detention and training order as it applies in relation to a short-term or long-term prisoner, and as it so applies—

(a) the reference in subsection (2) above to section 67 of the 1967 Act shall be read as a reference to section 101(8) of the Powers of Criminal Courts (Sentencing) Act 2000; and

(b) the reference in that subsection to a relevant period shall be read as a reference to the period mentioned in the said section 101(8).”

Commencement Information

I38 Sch. 13 para. 33 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Amendments consequential on amendments in Part 1

34 In section 4(2B) of the Bail Act 1976 (c. 63) (no right to bail in certain extradition proceedings), for “to be unlawfully at large after conviction” there is substituted “to have been convicted”.

Commencement Information

I39 Sch. 13 para. 34 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

35 In paragraph 81(4) of Schedule 9 to the Constitutional Reform Act 2005 (c. 4) (amendments substituting “Supreme Court” for “House of Lords” in provisions of the Extradition Act 2003)—

(a) after paragraph (b) there is inserted—

“(ba) section 33A (detention pending conclusion of certain appeals under section 32);”;

(b) after paragraph (i) there is inserted—

“(ia) section 115A (detention pending conclusion of certain appeals under section 114);”.

Commencement Information

I40 Sch. 13 para. 35 in force at 15.1.2007 by S.I. 2006/3364, art. 2(e)

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 14

Section 52

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 01/04/2007

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 ”.

VALID FROM 01/10/2008

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.

Commencement Information

I41 Sch. 14 para. 3 in force at 15.1.2007 by S.I. 2006/3364, art. 2(k) (as amended by S.I. 2007/29, art. 2)

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Police Pensions Act 1976 (c. 35)

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

“(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.

Commencement Information

I42 Sch. 14 para. 4 in force at 15.1.2007 by [S.I. 2006/3364](#), [art. 2\(k\)](#) (as amended by [S.I. 2007/29](#), art. 2)

VALID FROM 01/04/2007

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 ”.

VALID FROM 01/10/2008

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.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

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 ”.

VALID FROM 01/04/2007

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, ”.

Commencement Information

I43 Sch. 14 para. 9 in force at 15.1.2007 by [S.I. 2006/3364](#), [art. 2\(k\)](#) (as amended by [S.I. 2007/29](#), art. 2)

- 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.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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”.

Commencement Information

I44 Sch. 14 para. 10 in force at 15.1.2007 by S.I. 2006/3364, art. 2(k) (as amended by S.I. 2007/29, art. 2)

VALID FROM 01/04/2007

- 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.”

VALID FROM 06/04/2007

- 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—
- (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.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/04/2007

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) ”.

PROSPECTIVE

Housing Act 1988 (c. 50)

F115

Textual Amendments

- F1** Sch. 14 para. 15 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

VALID FROM 01/04/2007

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 ”.

VALID FROM 01/10/2007

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.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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.”

VALID FROM 01/10/2008

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 ”.

VALID FROM 01/10/2008

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 ”.

VALID FROM 01/10/2008

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 ”.

VALID FROM 01/10/2008

23 Section 11 of that Act (proceedings for offences under section 1) is repealed.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/10/2008

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)”; and

(b) for paragraph (b) there is substituted—

“(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.

VALID FROM 01/10/2008

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

VALID FROM 01/10/2008

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.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(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.

VALID FROM 01/10/2008

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
 - (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.”

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 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.”

VALID FROM 01/04/2007

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.”

VALID FROM 01/04/2007

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.”

VALID FROM 06/04/2007

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) ”.

Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 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;”.

VALID FROM 01/04/2007

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—
- “(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.”

Status: Point in time view as at 15/01/2007.

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PROSPECTIVE

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 ”.

VALID FROM 01/04/2007

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 ”.

PROSPECTIVE

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

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- 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;”.

VALID FROM 01/04/2007

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 ”.

PROSPECTIVE

- 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.

Status: Point in time view as at 15/01/2007.

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45	<p>(2) In subsections (1) and (2)—</p> <p>(a) before the “or” following paragraph (b) there is inserted—</p> <p style="padding-left: 40px;">“(ba) an accredited inspector in the execution of his duty;”;</p> <p>(b) in paragraph (c), after “accredited person” there is inserted “ or an accredited inspector ”.</p> <p>(3) In subsection (3)—</p> <p>(a) in paragraph (a), for “or an accredited person” there is substituted “ , an accredited person or an accredited inspector ”;</p> <p>(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 ”;</p> <p>(c) in paragraph (c), after “accredited person” there is inserted “ or as an accredited inspector ”.</p> <p>(4) In subsection (4), for “or accredited person” there is substituted “ , accredited person or accredited inspector ”.</p> <p>In section 47 of that Act (interpretation of Chapter 1), in subsection (1) the following definitions are inserted at the appropriate places—</p> <p style="padding-left: 40px;">““accredited inspector” means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;”;</p> <p style="padding-left: 40px;">““weights and measures inspector” means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.”</p>
46	<p>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 ”.</p>

Railways and Transport Safety Act 2003 (c. 20)

47	<p>In section 19 of the Railways and Transport Safety Act 2003 (exercise of functions by British Transport Police Authority)—</p> <p>(a) at the end of paragraph (d) there is inserted “ and ”;</p> <p>(b) paragraph (f) is omitted.</p>
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VALID FROM 01/04/2007

48	<p>In section 28(1) of that Act (police powers for British Transport Police Authority employees), after paragraph (a) there is inserted—</p> <p style="padding-left: 40px;">“(aa) section 38A (standard powers and duties of community support officers),”.</p>
49	<p>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</p> <p>(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).”</p>

Status: Point in time view as at 15/01/2007.

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VALID FROM 14/11/2008

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.”

VALID FROM 14/11/2008

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.

(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—

Status: Point in time view as at 15/01/2007.

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- (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,
- 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.”

VALID FROM 01/04/2007

- 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.

Status: Point in time view as at 15/01/2007.

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VALID FROM 29/06/2007

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—
- (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,

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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, ”.

VALID FROM 01/04/2007

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).”

Status: Point in time view as at 15/01/2007.

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VALID FROM 01/04/2007

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”.

Commencement Information

I45 Sch. 14 para. 61 in force at 15.1.2007 by [S.I. 2006/3364](#), [art. 2\(k\)](#) (as amended by [S.I. 2007/29](#), art. 2)

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.”

Commencement Information

I46 Sch. 14 para. 62 in force at 15.1.2007 by [S.I. 2006/3364](#), [art. 2\(k\)](#) (as amended by [S.I. 2007/29](#), art. 2)

*Status: Point in time view as at 15/01/2007.**Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 15

Section 52

REPEALS AND REVOCATIONS

Commencement Information**I47** Sch. 15 Pt. 1(B) in force for specified purposes at Royal Assent see s. 53(1)(2)**I48** Sch. 15 Pt. 2. in force at 15.1.2007 for specified purposes by [S.I. 2006/3364](#), **art. 2(1)** (with **art. 3**)**PART 1**

POLICE REFORM

(A) NATIONAL POLICING IMPROVEMENT AGENCY

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry relating to the Central Police Training and Development Authority and the entry relating to the Police Information Technology Organisation.
Police (Scotland) Act 1967 (c. 77)	Section 28(2) and (3). Section 36(7) and (8). In section 38(3A), “(bb) or”. In section 38A, subsection (1)(bb) and, in subsection (6)(a), “(bb),”.
Superannuation Act 1972 (c. 11)	In Schedule 1, the entry relating to the Central Police Training and Development Authority and the entry relating to the Police Information Technology Organisation.
Health and Safety at Work etc. Act 1974 (c. 37)	Section 51A(2E)(c) and (d).
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1— (a) in Part 2, the entry relating to the Central Police Training and Development Authority; (b) in Part 3, the entry relating to the Police Information Technology Organisation.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1— (a) in Part 2, the entry relating to the Central Police Training and Development Authority; (b) in Part 3, the entry relating to the Police Information Technology Organisation.
Police Pensions Act 1976 (c. 35)	Section 7(2)(ce). In section 11— (a) subsection (1)(be); (b) subsection (2)(da) and (e);

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	<ul style="list-style-type: none">(c) in subsection (3)(b), “(be)”;(d) in paragraph (a) of the definition in subsection (5) of “central service”, “(cc),”;(e) in paragraph (b) of that definition, “(bb) or”.
Race Relations Act 1976 (c. 74)	In Schedule 1A— <ul style="list-style-type: none">(a) in Part 2, the entry relating to the Police Information Technology Organisation;(b) in Part 3, the entry relating to the Central Police Training and Development Authority.
Police Act 1996 (c. 16)	In section 97— <ul style="list-style-type: none">(a) subsection (1)(cc) and (cd);(b) in subsections (6)(a) and (8), “(cc), (cd),”.
Police Act 1997 (c. 50)	Sections 109 to 111. Schedule 8. In Schedule 9— <ul style="list-style-type: none">(a) paragraph 7;(b) in paragraph 10, the words from “there shall be added” to the end;(c) paragraphs 12, 14(a), 24, 29(1) and (3), 30(1) and (3) and 33(2)(c) and (3)(a).
Police (Northern Ireland) Act 1998 (c. 32)	In section 27— <ul style="list-style-type: none">(a) subsection (1)(c);(b) in subsection (5)(b), “(c),”. Section 40(3) and (4).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entry relating to the Central Police Training and Development Authority and the entry relating to the Police Information Technology Organisation.
Criminal Justice and Police Act 2001 (c. 16)	Sections 87 to 96. In section 97(1)(a), the words “(within the meaning of section 88 above)”. Section 101(1). Schedule 3. In Schedule 4, paragraphs 2 to 8.
Police Reform Act 2002 (c. 30)	In section 10(1), the word “and” preceding paragraph (g). In section 11— <ul style="list-style-type: none">(a) in subsection (6), the word “and” preceding paragraph (d);(b) in subsection (10), the word “and” preceding paragraph (g). In section 29(3)(d), “, (cc)”. Section 99. Section 102(2)(h) and (3). In section 105(3)(b), “or 99(6)”.

Status: Point in time view as at 15/01/2007.

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	Section 108(7)(c). In Schedule 7, paragraph 24.
Scottish Public Services Ombudsman Act 2002 (asp 11)	In Schedule 2, paragraph 81.
Energy Act 2004 (c. 20)	In Schedule 14, paragraph 9.
Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 4, paragraphs 77(5), 103, 104 and 163.

(B) OTHER REPEALS RELATING TO PART 1

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 1972 (c. 70)	Section 107(6).
Police Act 1996 (c. 16)	Section 6(4). Sections 6A, 7, 8 and 9. Section 15(3). Section 30(3) and (4). Sections 36A and 37. Sections 41A and 41B. Section 96B(3). Schedules 3 and 3A.
Employment Rights Act 1996 (c. 18)	Section 50(6).
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 21A(4)(a)(i).
Local Government Act 1999 (c. 27)	Section 24(1) and (2).
Greater London Authority Act 1999 (c. 29)	Section 310(2). Schedule 26. In Schedule 27, paragraphs 70, 71, 72, 86, 105 and 106.
Insolvency Act 2000 (c. 39)	In Schedule 4, paragraph 20.
Criminal Justice and Police Act 2001 (c. 16)	In section 104— (a) subsections (1) and (2); (b) subsection (4); (c) subsection (5) so far as relating to the Police Act 1996 (c. 16); (d) subsections (6) and (7). Sections 105, 106 and 107.
Police Reform Act 2002 (c. 30)	Section 1. Section 5. Section 40(7). Section 92. Section 94. In section 96, the words “of England, Wales and Northern Ireland”. In Schedule 4, in paragraph 2(8), the words “under this paragraph”. In Schedule 7, paragraph 14.

Status: Point in time view as at 15/01/2007.

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Railways and Transport Safety Act 2003 (c. 20)	In section 19, paragraph (f) and the word “and” preceding it. Section 75(7). In section 76, the entry relating to the National Policing Plan.
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 373 to 376.

PART 2

POWERS OF POLICE ETC

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Aviation Security Act 1982 (c. 36)	Section 27(1), (4) and (5).
Police and Criminal Evidence Act 1984 (c. 60)	In section 64A(1B), the word “or” preceding paragraph (f).
Criminal Justice Act 2003 (c. 44)	In section 25(2), the word “and” preceding paragraph (h).
Immigration, Asylum and Nationality Act 2006 (c. 13)	In sections 32(5) and 33(5), the word “and” preceding paragraph (c). In section 36(9), the word “and” preceding the definition of “Revenue and Customs purposes”.

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Crime and Disorder Act 1998 (c. 37)	In section 114(2), “, 6A(1)”.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 199.
Police Reform Act 2002 (c. 30)	Section 97(7) to (12). Section 98.
Anti-social Behaviour Act 2003 (c. 38)	Section 13(4)(b). Section 91.
Clean Neighbourhoods and Environment Act 2005 (c. 16)	Section 1.

PART 4

MISCELLANEOUS

<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
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Status: Point in time view as at 15/01/2007.

Changes to legislation: Police and Justice Act 2006 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Protection of Children Act 1978 (c. 37)	Section 4(3).
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Schedule 6, paragraph 144.
Computer Misuse Act 1990 (c. 18)	Section 11. Section 12. In section 13— (a) subsections (3) to (7); (b) in subsection (8), the words from “commenced” to the end. Section 14. Section 16(3), (10), (11) and (12). Section 17(7).
Criminal Justice Act 1988 (c. 33)	In Schedule 15, paragraph 62.
Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17))	In Schedule 2, paragraph 1(2).
Criminal Justice and Public Order Act 1994 (c. 33)	In Schedule 10, paragraphs 37(4) and 38(3) and (4).
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)	In Schedule 4, paragraph 77.
Criminal Justice and Police Act 2001 (c. 16)	In Schedule 2, paragraph 10(2)(b) and (c).
Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 4, paragraph 3(2)(a).
Courts Act 2003 (c. 39)	In Schedule 4, paragraph 7. In Schedule 8, paragraphs 199(3), 200 and 347.
Justice (Northern Ireland) Act 2004 (c. 4)	In section 10(8), the word “magistrates”.
Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 16, paragraph 7.

Status:

Point in time view as at 15/01/2007.

Changes to legislation:

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