

*These notes refer to the Crime and Security Act 2010
(c.17) which received Royal Assent on 8 April 2010*

CRIME AND SECURITY ACT 2010

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

16. [Section 58](#) sets out the territorial extent of the Act. Different parts of the Act have different extent:
- Section 1, on police powers of stop and search, amends the Police and Criminal Evidence Act 1984 (“PACE”) and, like the provisions it amends, extends only to England and Wales;
 - Sections 2 to 7 on police powers to take fingerprints and samples, amend PACE and, like the provisions they amend, extend only to England and Wales (although section 5(2), which amends the International Criminal Court Act 2001, also extends to Northern Ireland);
 - Sections 8 to 13 make equivalent provision to that in sections 2 to 7 for Northern Ireland and extend only to Northern Ireland (although section 11(2) which amends the International Criminal Court Act 2001, also extends to England and Wales);
 - Section 14 on police powers to retain and destroy fingerprints and samples etc, extends to England and Wales only. Section 15 makes equivalent provision for Northern Ireland;
 - Section 16 makes provision in relation to material subject to the Criminal Procedure (Scotland) Act 1995 and, like that Act, extends only to Scotland;
 - Sections 17 and 18 amend the Terrorism Act 2000 and, like the provisions amended, extend to the whole of the United Kingdom;
 - Section 19 amends the International Criminal Court Act 2001 and, like the provisions amended, extends to England and Wales and Northern Ireland;
 - Section 20 amends the provision in the Counter-Terrorism Act 2008 relating to fingerprints and non-intimate samples taken from controlled persons in Scotland and extends to the whole of the United Kingdom;
 - Sections 21 and 22 (which make further provision in relation to the retention, destruction and use of fingerprints and samples) extend to the whole of the United Kingdom;
 - Section 23 provides for the establishment of a National DNA Database Strategy Board and extends to the whole of the United Kingdom, although the Strategy Board’s functions relating to guidance on the early deletion of records (in subsections (2) and (3)) relate only to material retained under the law of England and Wales and Northern Ireland;
 - Sections 24 to 33 (domestic violence) extend only to England and Wales;

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- Sections 34 to 39, on injunctions in respect of gang-related violence, amend Part 4 of the Policing and Crime Act 2009 and, like that Part, extend only to England and Wales;
- Sections 40 and 41, on ASBOs, amend Part 1 of the Crime and Disorder Act 1998, and, like that Part, extend only to England and Wales;
- Sections 42 to 44 amend the Private Security Industry Act 2001 and, like that Act, extend to the whole of the United Kingdom;
- Section 45 (offences relating to electronic communications devices in prison) amends section 40D of the Prison Act 1952 and, like that section, extends only to England and Wales;
- Section 46 (offence of allowing minors access to air weapons) amends the Firearms Act 1968 and, like that Act, extends to England and Wales and Scotland;
- Sections 47 to 54 (compensation for victims of overseas terrorism) extend to the whole of the United Kingdom;
- Section 55 amends the Licensing Act 2003 by conferring new powers on licensing authorities to restrict the sale and supply of alcohol in their areas and, like that Act, extends only to England and Wales;
- Section 56 (persons subject to control order: powers of search and seizure) amends the Prevention of Terrorism Act 2005 and, like that Act, extends to the whole of the United Kingdom;
- The final sections (sections 57 to 60) extend to the whole of the United Kingdom.

Territorial application: Wales

17. The Act applies to Wales in the same way as to England.

Territorial application: Scotland

18. The Scottish Parliament's consent was sought for the provisions in the Act that triggered the Sewel Convention (by way of a Legislative Consent Motion passed on 11 February 2010). These provisions relate to the requirement for businesses to be licensed by the Security Industry Authority. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.
19. The provisions of the Act that relate to the retention, destruction and use of relevant physical data held under the Criminal Procedure (Scotland) Act 1995 (section 16), the Terrorism Act 2000 and the Counter-Terrorism Act 2008 (sections 18, 20 and 21) and on air weapons (section 46), and compensation for victims of overseas terrorism (sections 47 to 54) extend to Scotland and relate to reserved matters.

Territorial application: Northern Ireland

20. Many of the provisions of the Act on police powers on fingerprinting and DNA (sections 5(2), 8 to 13, 17 to 23), the provisions relating to the private security industry (sections 42 to 44) and those relating to compensation for victims of overseas terrorism (sections 47 to 54) extend to Northern Ireland and relate to excepted matters.
21. The Act did not require a Legislative Consent Motion to be passed by the Northern Ireland Assembly Government.