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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 13. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 7

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 13

##### REDUNDANT PROVISIONS ETC

##### *Proof of intention to supply a controlled drug*

- 122 (1) The Misuse of Drugs Act 1971 (c. 38) is amended as follows.
- (2) In section 5 (restriction of possession of controlled drugs) omit subsections (4A) to (4C).
- (3) In section 31 (general provisions as to regulations)—
- (a) in subsection (2) omit “, except as provided by subsection (2A),” and
  - (b) omit subsections (2A) and (4A).
- (4) In section 38 (special provisions as to Northern Ireland) omit subsection (1A).

##### *Staff custody officers*

- 123 (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) In section 30CA (bail under section 30A: variation of conditions by police), in subsection (5) omit the following—
- (a) in paragraph (a)—
    - (i) “, or a person designated as a staff custody officer under section 38 of the Police Reform Act 2002,” and
    - (ii) “or officer”, and
  - (b) in paragraph (b), “or officer”.
- (3) In section 36 (custody officers at police stations)—
- (a) for subsection (3) substitute—

“(3) No officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.”
  - (b) in subsection (5) for “an individual” substitute “ an officer ”,
  - (c) in subsection (7)—
    - (i) in paragraph (a), omit “or a staff custody officer” and for “such a person” substitute “ such an officer ”, and
    - (ii) in paragraph (b), for “such person” substitute “ such officer ”,
  - (d) in subsection (8) for “a person” substitute “ an officer ”, and
  - (e) omit subsection (11).

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- (4) In section 39 (responsibilities in relation to persons detained)—
  - (a) in subsection (6)(a) omit “(or, if the custody officer is a staff custody officer, any police officer or any police employee)”, and
  - (b) omit subsection (7).
- (5) In section 55 (intimate searches), in the definition of “appropriate officer” in subsection (17), omit paragraph (c) and the “or” immediately before it.
- 124 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S. I. 1989/1341 (N. I. 12)) is amended as follows.
  - (2) In Article 37 (custody officers at police stations)—
    - (a) for paragraph (3) substitute—
      - “(3) No police officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.”,
    - (b) in paragraph (5) for “an individual” substitute “an officer”,
    - (c) in paragraph (7)—
      - (i) in sub-paragraph (a) omit “or a staff custody officer” and for “such a person” substitute “such an officer”, and
      - (ii) in sub-paragraph (b) for “such person” substitute “such officer”,
    - (d) in paragraph (8) for “a person” substitute “an officer”, and
    - (e) omit paragraph (11).
  - (3) In Article 40 (responsibilities in relation to persons detained)—
    - (a) in paragraph (6)(a) omit “(or, if the custody officer is a staff custody officer, any police officer or any member of the police support staff)”, and
    - (b) omit paragraph (7).
- 125 (1) The Police Reform Act 2002 (c. 30) is amended as follows.
  - (2) In section 38 (police powers for police authority employees) omit the following—
    - (a) subsection (2)(e),
    - (b) subsection (6)(e), and
    - (c) subsection (10).
  - (3) In Schedule 4 (powers exercisable by police civilians)—
    - (a) omit Part 4A, and
    - <sup>F1</sup>(b) .....

**Textual Amendments**

**F1** Sch. 7 para. 125(3)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 26](#); [S.I. 2017/1139](#), reg. 2(k) (as amended by [S.I. 2017/1162](#), reg. 2)

- 126 (1) The Police (Northern Ireland) Act 2003 (c. 6) is amended as follows.
  - (2) In section 30 (police powers for designated police support staff), omit the following—
    - (a) subsection (1)(d),
    - (b) subsection (6)(d), and

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(c) subsection (11).

(3) In Schedule 2 (powers exercisable by designated persons) omit Part 3A.

*Secretary of State's approval of devices for taking fingerprints and samples*

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

(2) In section 61 (fingerprinting in England and Wales) omit subsection (8A).

(3) In section 63 (non-intimate samples in England and Wales) omit subsection (9A) (inserted by the Criminal Justice and Police Act 2001 (c. 16)).

128 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S. I. 1989/1341 (N. I. 12)) is amended as follows.

(2) In Article 61 (fingerprinting in Northern Ireland) omit paragraph (8B).

(3) In Article 63 (non-intimate samples in Northern Ireland) omit paragraph (10A).

*Additional time limits for prosecuting persons under 18*

129 Omit section 22A of the Prosecution of Offences Act 1985 (c. 23).

*Access to driver licensing records*

130 Omit section 105(2)(b) of the Road Traffic Act 1988 (c. 52) (access to particulars of disqualified drivers).

131 Omit section 36 of the Vehicles (Crime) Act 2001 (c. 3) (access to motor insurance information).

132 Omit Article 81 of the Road Traffic (Northern Ireland) Order 2007 (S. I. 2007/916 (N. I. 10)) (disclosure of information about insurance status of vehicles).

*Minor amendment*

133 In section 40B(7) of the Police Act 1996 (c. 16) (report about direction given by Secretary of State), for “subsection (7)” substitute “subsection (6)”.

*Local child curfew schemes*

134 (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.

(2) Omit sections 14 and 15 (which make provision for local child curfew schemes and for the enforcement of curfew notices).

(3) In section 16 (removal of truants to designated premises), in subsection (5), in the definition of “public place”, for “section 14 above” substitute “Part 2 of the Public Order Act 1986”.

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 13.