

# ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 14: General**

##### *Section 181: Amendments*

530. *Subsection (1)* introduces Schedule 11 which contains minor and consequential amendments to other enactments.
531. *Subsection (2)* enables the Secretary of State, by order, to make provision consequential upon the Act, including consequential amendments to other enactments. Any such order which amends primary legislation is subject to the affirmative resolution procedure; otherwise the negative resolution procedure applies (see section 182(2) and (4)).
532. *Subsection (3)* enables the Secretary of State, by order, to make amendments to sections 136 and 142 of the Sexual Offences Act 2003 that are consequential on the coming into force of any amendments to Part 2 of that Act made by the Criminal Justice Act (Northern Ireland) 2013.
533. *Subsection (4)* enables the Welsh Ministers, by order, to make provision consequential upon the provisions in sections 94 to 98 and 100 of the Act (and the associated provisions in Schedules 3 and 11), including consequential amendments to other enactments. Any such order which amends primary legislation is subject to the affirmative resolution procedure; otherwise the negative resolution procedure applies (see section 182(3) and (5)).

##### *Schedule 11: Minor and consequential amendments*

534. *Paragraph 43* amends Schedule 7 to the Government of Wales Act 2006 (legislative competence of the Welsh Assembly) to update the reference to ‘anti-social behaviour orders’ to reflect the changes in this Act. This maintains the status quo as regards the legislative competence of the National Assembly for Wales (see Written Minister Statement of 11 February 2014, Official Report column 44WS).
535. *Paragraphs 84 and 85* amend the Police Pensions Act 1976 to enable a senior police officer appointed to the College of Policing to continue to remain a member of the police pension scheme.
536. *Paragraph 92* amends Part 6 of Schedule 1 to the Freedom of Information Act 2000 to include the College of Policing and the Police Remuneration Review Body as bodies subject to that Act.
537. *Paragraph 95* amends Schedule 3 to the Police Reform Act 2002 to ensure that certain reporting requirements applying to the IPCC are subject to the consent framework set out in new paragraph 19ZD of that Schedule (inserted by section 137). This consent

*These notes refer to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) which received Royal Assent on 13 March 2014*

framework ensures that the IPCC cannot disclose certain information, which has been provided to it pursuant to an information notice, to a third party without the consent of the relevant authority who provided the information in question.

538. *Paragraph 96* amends Part 1 of Schedule 19 to the Equality Act 2010 to include the College of Policing as one of the bodies subject to the equality duty.
539. *Paragraph 97* makes consequential amendments to section 7 of the Police Reform and Social Responsibility Act 2011, arising from the provisions in section 143. The effect is to broaden the scope of what must be included in the annual Police and Crime Plan that elected local policing bodies are required to publish under section 6 of the 2011 Act. At present section 6(1)(f) of the 2011 Act requires the Police and Crime Plan to specify the crime and disorder reduction grants which the elected local policing body is to make in accordance with the powers in section 9 of that Act. The new section 7(1)(ea) and substituted section 7(1)(f) instead requires the Police and Crime Plan to specify the services commissioned and provided under the new powers in subsection (1) of section 143 and any grants made under that section.
540. *Paragraph 98* repeals section 9 of the 2011 Act which enables local policing bodies to make crime and disorder reduction grants. Such power is now superseded by the commissioning power conferred by section 143(3).
541. *Paragraph 101* makes a consequential amendment to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013, in relation to consultation by Scottish Ministers on regulations concerning police pensions and other benefits, to reflect the replacement in Scotland of the Police Negotiating Board for the United Kingdom with the Police Negotiating Board for Scotland.

***Section 182: Orders and regulations***

542. This section sets out the parliamentary procedure in respect of various order- and regulation-making powers provided for in the Act.

***Section 184: Extent***

543. This section sets out the extent of the provisions in the Act (see paragraphs 110 to 113 for further details).

***Section 185: Commencement***

544. This section provides for commencement (see paragraphs 547 to 549 for further details).
545. *Subsections (7), (8) and (9)* enable the Secretary of State, the Welsh Ministers and Scottish Ministers respectively, by order, to make transitional, transitory or saving provisions in connection with the coming into force of the provisions of the Act. Such an order is not subject to any parliamentary procedure.

***Section 186: Short title***

546. This section sets out the short title for the Act.