



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

#### *Miscellaneous*

#### **147 Powers to seize invalid passports etc**

Schedule 8 (powers to seize invalid passports etc) has effect.

#### **148 Port and border controls**

Schedule 9 (amendments of or relating to Schedules 7 and 8 to the Terrorism Act 2000) has effect.

#### **149 Inspection of Serious Fraud Office**

(1) In section 2 of the Crown Prosecution Service Inspectorate Act 2000 (functions of the Chief Inspector of the Crown Prosecution Service), after subsection (3) there is inserted—

“(3A) This section applies to the Serious Fraud Office as it applies to the Crown Prosecution Service.”

(2) In section 3 of the Criminal Justice Act 1987 (disclosure of information by Serious Fraud Office)—

- (a) the word “and” before paragraph (c) of subsection (1) is omitted;
- (b) after that paragraph there is inserted “; and

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- (d) in order to comply with a requirement imposed under paragraph 7 of the Schedule to the Crown Prosecution Service Inspectorate Act 2000,”;
  - (c) in subsection (3), for the words from “by a member of the Serious Fraud Office” to “or elsewhere and” there is substituted “by a member of the Serious Fraud Office—
    - (a) for the purposes of any prosecution in England and Wales, Northern Ireland or elsewhere, or
    - (b) in order to comply with a requirement imposed under paragraph 7 of the Schedule to the Crown Prosecution Service Inspectorate Act 2000,
- and”.

### **150 Jurisdiction of Investigatory Powers Tribunal over Surveillance Commissioners**

- (1) Section 91 of the Police Act 1997 (Surveillance Commissioners) is amended as follows.
- (2) In subsection (10), for “sections 104 and 106” there is substituted “section 104”.
- (3) After subsection (10) there is inserted—
  - “(11) Subsection (10) is not to be read as affecting the jurisdiction of the Tribunal conferred by section 65 of the Regulation of Investigatory Powers Act 2000 or section 23 of the Regulation of Investigatory Powers (Scotland) Act 2000.”

### **151 Fees for criminal record certificates etc**

In Part 5 of the Police Act 1997 (criminal record certificates etc), in section 125 (regulations), after subsection (1) there is inserted—

- “(1A) In prescribing the amount of a fee that—
  - (a) is payable in relation to applications under a particular provision of this Part, but
  - (b) is not payable in relation to applications made by volunteers,
 the Secretary of State may take into account not only the costs associated with applications in relation to which the fee is payable but also the costs associated with applications under that provision made by volunteers.”

### **152 Powers of community support officers**

Schedule 10 (which amends Part 1 of Schedule 4 to the Police Reform Act 2002) has effect.

### **153 Use of amplified noise equipment in vicinity of the Palace of Westminster**

- (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.
- (2) After section 142 there is inserted—

### **“142A Other controlled areas in vicinity of the Palace of Westminster**

- (1) For the purposes of this Part, the “Palace of Westminster controlled area” means the area of land in the City of Westminster that is comprised in—
- (a) the highways in the postal district SW1 known as—
    - (i) Bridge Street,
    - (ii) St Margaret’s Street, and
    - (iii) Abingdon Street,
  - (b) so much of the highway in the postal district SW1 known as Great College Street as immediately adjoins Abingdon Street Garden,
  - (c) Old Palace Yard,
  - (d) Abingdon Street Garden (and its pathways), and
  - (e) Victoria Tower Gardens.

- (2) In subsection (1)—

“Abingdon Street Garden” means the garden constructed on the sites of properties formerly known as 18 to 28 (both inclusive) Abingdon Street, London, SW1, together with the garden surrounding the adjoining Jewel Tower and the lawn surrounding the King George V Memorial;

“highway” has the same meaning as in the Highways Act 1980 (see section 328 of that Act);

“Old Palace Yard” includes the King George V Memorial.”

- (3) In section 143 (prohibited activities in controlled area of Parliament Square)—
- (a) in the heading, at the end there is inserted “**or in Palace of Westminster controlled area**”;
  - (b) in subsection (2)(a), after “Parliament Square” there is inserted “or in the Palace of Westminster controlled area”.
- (4) In section 144 (directions under section 143: further provision), in subsection (5), after “Parliament Square” there is inserted “, or the Palace of Westminster controlled area,”.
- (5) In section 145 (power to seize property)—
- (a) in subsection (1), at the end there is inserted “in that area”;
  - (b) after that subsection there is inserted—
    - “(1A) A constable or authorised officer may seize and retain a prohibited item that is on any land in the Palace of Westminster controlled area if it appears to that constable or officer that the item is being, or has been, used in connection with the commission of an offence under section 143 in that area.”;
  - (c) in subsection (2), at the end there is inserted “in that area”;
  - (d) after that subsection there is inserted—
    - “(2A) A constable may seize and retain a prohibited item that is on any land outside of the Palace of Westminster controlled area if it appears to the constable that the item has been used in connection with the commission of an offence under section 143 in that area.”;
  - (e) in subsection (8), for “subsections (1) and (2)” there is substituted “this section”.

- (6) In section 146 (power of court on conviction)—
- (a) in subsection (1)(b), for “the controlled area of Parliament Square” there is substituted “a relevant area”;
  - (b) in subsection (2), for “the controlled area of Parliament Square” there is substituted “a relevant area”;
  - (c) after that subsection there is inserted—
    - “(2A) In this section “relevant area” means an area consisting of either or both of the following areas—
    - (a) the controlled area of Parliament Square, and
    - (b) the Palace of Westminster controlled area.”
- (7) In section 147 (authorisation for operation of amplified noise equipment), in subsection (1)—
- (a) after “Parliament Square” there is inserted “or the Palace of Westminster controlled area”;
  - (b) after “that land” there is inserted “(or any part of it)”.
- (8) In section 148 (meaning of “authorised officer” and “responsible authority”)—
- (a) in subsection (2), after “Parliament Square” there is inserted “, or in relation to any land in the Palace of Westminster controlled area other than Royal Park land,”;
  - (b) after subsection (3) there is inserted—
    - “(4) Responsible authority”, in relation to any land in the Palace of Westminster controlled area, means—
    - (a) the Secretary of State, for any land comprised in Royal Park land;
    - (b) Westminster City Council, for any other land.
    - (5) In this section “Royal Park land” means any land of a description specified in Schedule 1 to the Royal Parks and Other Open Spaces Regulations 1997 (S.I. 1997/1639), as that Schedule has effect on the day on which the Anti-social Behaviour, Crime and Policing Act 2014 is passed.”
- (9) In section 149 (effect of Part on byelaws), in subsection (3), after “Parliament Square” there is inserted “or the Palace of Westminster controlled area”.
- (10) In the italic cross-heading before section 142, for “*Garden and adjoining pavements*” there is substituted “*etc*”.
- (11) In the heading of Part 3, for “GARDEN AND SURROUNDING AREA” there is substituted “ETC”.

## 154 Littering from vehicles

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) After section 88 (fixed penalty notices for leaving litter) there is inserted—

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### **“88A Littering from vehicles: civil penalty regime**

- (1) The Secretary of State may make regulations under which the keeper of a vehicle may be required to pay a fixed penalty to a litter authority where there is reason to believe that a littering offence in England has been committed in respect of the vehicle.
- (2) A littering offence is committed in respect of a vehicle if an offence under section 87(1) occurs as a result of litter being thrown, dropped or otherwise deposited from the vehicle (whether or not by the vehicle’s keeper).
- (3) Regulations under this section must make provision—
  - (a) setting the amount of fixed penalties or specifying how the amount is to be determined;
  - (b) about the period within which fixed penalties must be paid;
  - (c) for payment within that period of a fixed penalty imposed for a littering offence committed in respect of a vehicle to discharge any liability for conviction for the offence (whether on the part of the keeper or anybody else);
  - (d) for a fixed penalty to be payable by the keeper of a vehicle only if a written notice is given to the keeper (“a penalty notice”);
  - (e) about the persons authorised to give penalty notices;
  - (f) about the procedure to be followed in giving penalty notices;
  - (g) about the form and content of penalty notices;
  - (h) conferring rights to make representations about, and to bring appeals against, penalty notices.
- (4) Provision under subsection (3)(e) may authorise a person to give a penalty notice for a littering offence committed in respect of a vehicle only if—
  - (a) the person is under a duty under section 89(1) in respect of the land where the offence is committed (and that person is a “litter authority” in relation to a fixed penalty payable under the regulations), or
  - (b) the person is an authorised officer of a litter authority,and regulations under this section may include provision about the meaning of “authorised officer”.
- (5) Regulations under this section may include provision—
  - (a) for the enforcement of penalty notices (and such provision may in particular authorise an unpaid fixed penalty to be recovered summarily as a civil debt or as if payable under an order of a court if the court so orders);
  - (b) about the application of sums paid under penalty notices (and such provision may in particular authorise sums paid to a litter authority to be applied for the purposes of such functions of the authority as the regulations may specify);
  - (c) about the application of the regulations to keepers of vehicles in the public service of the Crown.
- (6) Regulations under this section may, in consequence of any provision contained in the regulations, amend—
  - (a) this Part, or

(b) Part 2 of the London Local Authorities Act 2007.

(7) Regulations under this section may—

- (a) make provision corresponding or similar to any provision made by or under section 88;
- (b) make provision subject to exceptions;
- (c) include saving, transitional, transitory, supplementary or consequential provision.

(8) Provision of the kind mentioned in subsection (7)(a) may include provision—

- (a) conferring a discretion on a litter authority, subject to such constraints or limitations as the regulations may specify (whether or not of a corresponding or similar kind to those mentioned in section 97A(2));
- (b) creating an offence of the kind mentioned in section 88(8B) and (8C), but may not include provision conferring power on a person to make orders or regulations.

(9) In this section—

“keeper”, in relation to a vehicle, means the person by whom the vehicle is kept at the time when the littering offence in question occurs, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper;

“litter authority” has the meaning given in subsection (4)(a);

“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered;

“registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994;

“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.”

(3) In section 161 (regulations, orders and directions), after subsection (2ZA) there is inserted—

“(2ZB) Subsection (2) does not apply to a statutory instrument containing regulations under section 88A if the regulations—

- (a) are the first set of regulations to be made under that section, or
- (b) include provision falling within subsection (3)(a) or (6) of that section.

(2ZC) A statutory instrument to which subsection (2) does not apply by virtue of subsection (2ZB) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”