

SCHEDULES

SCHEDULE 11

Section 181

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PARTS 1 TO 6

Magistrates' Courts Act 1980 (c. 43)

- 1 In section 143(2) of the Magistrates' Courts Act 1980 (provisions in which sums may be altered) paragraph (da) is omitted.

Housing Act 1980 (c. 51)

- 2 In Schedule 9 to the Housing Act 1980 (provisions relating to housing association and housing trust tenancies under Rent Act 1977), in paragraph 5, after "83" there is inserted "or 83ZA".

Highways Act 1980 (c. 66)

- 3 Sections 129A to 129G of the Highways Act 1980 (restriction of rights over highway) are repealed.

Police and Criminal Evidence Act 1984 (c. 60)

- 4 In section 64A of the Police and Criminal Evidence Act 1984 (photographing of suspects etc), for paragraph (ca) of subsection (1B) there is substituted—
“(ca) given a direction by a constable under section 35 of the Anti-social Behaviour, Crime and Policing Act 2014;”.

Prosecution of Offences Act 1985 (c. 23)

- 5 (1) In section 3 of the Prosecution of Offences Act 1985 (functions of DPP), subsection (2) is amended as follows.
- (2) In paragraph (fa), for the words from “section 1C” to “proceedings” there is substituted “section 22 of the Anti-social Behaviour, Crime and Policing Act 2014 (criminal behaviour orders made on conviction)”.
- (3) In paragraph (fb)—
- (a) for “section 1CA(3) of the Crime and Disorder Act 1998” there is substituted “section 27 of the Anti-social Behaviour, Crime and Policing Act 2014”;
- (b) for “section 1C” there is substituted “section 22”.

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- (4) In paragraph (fc)—
 - (a) for “section 1CA” there is substituted “section 27”;
 - (b) for “section 1C” there is substituted “section 22”.
- (5) Paragraphs (fd) and (fe) are omitted.

Housing Act 1985 (c. 68)

- 6 (1) Section 82A of the Housing Act 1985 (demotion because of anti-social behaviour) is amended as follows.
 - (2) In subsection (4)(a), for sub-paragraphs (i) and (ii) there is substituted—
 - “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
 - (3) For subsection (7A) there is substituted—
 - “(7A) In subsection (4)(a)(ii) “housing accommodation” includes—
 - (a) flats, lodging-houses and hostels;
 - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
 - (c) any common areas used in connection with the accommodation.”
- 7 (1) Section 83 of that Act (proceedings for possession or termination: notice requirements) is amended as follows.
 - (2) In the heading, after “**termination:**” there is inserted “**general**”.
 - (3) Before subsection (1) there is inserted—
 - “(A1) This section applies in relation to proceedings for an order mentioned in section 82(1A) other than—
 - (a) proceedings for possession of a dwelling-house under section 84A (absolute ground for possession for anti-social behaviour), including proceedings where possession is also sought on one or more of the grounds set out in Schedule 2, or
 - (b) proceedings for possession of a dwelling-house under section 107D (recovery of possession on expiry of flexible tenancy).”
 - (4) In subsection (1), for the words from “proceedings for” to “tenancy),” there is substituted “proceedings to which this section applies”.
 - 8 (1) Section 83A of that Act (additional requirements in relation to certain proceedings for possession) is amended as follows.
 - (2) In subsection (2)(a), after “83” there is inserted “or 83ZA”.
 - (3) In subsection (2)(b), for “subsection (4)(a) of that section” there is substituted “section 83(4)(a) or section 83ZA(9)(a)”.

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- (4) In subsection (3)(a), after “83” there is inserted “or 83ZA”.
- (5) In subsection (4)(a), after “83” there is inserted “or 83ZA”.
- (6) In subsection (5)—
- (a) for “the notice” there is substituted “a notice”;
 - (b) after “83” there is inserted “or a notice is served under section 83ZA”.
- 9 (1) Section 84 of that Act (grounds and orders for possession) is amended as follows.
- (2) In subsection (1), after “in accordance with” there is inserted “section 84A (absolute ground for possession for anti-social behaviour) or”.
- (3) In subsection (2)(a), for “that Schedule” there is substituted “Schedule 2”.
- (4) In subsection (3)—
- (a) after “83” there is inserted “or 83ZA”;
 - (b) for “such an order on any of those grounds above” there is substituted “an order on any of the grounds mentioned in subsection (2)”.
- 10 In the heading of section 85A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 11 (1) Section 121A of that Act (order suspending right to buy because of anti-social behaviour) is amended as follows.
- (2) In subsection (3)(a), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) In subsection (7)(a), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (4) For subsection (10) there is substituted—
- “(10) In this section “housing accommodation” includes—
 - (a) flats, lodging-houses and hostels;
 - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
 - (c) any common areas used in connection with the accommodation.”
- 12 (1) In Schedule 1 to that Act (tenancies which are not secure tenancies), paragraph 4ZA (family intervention tenancies) is amended as follows.
- (2) In sub-paragraph (3)(a)—

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- (a) in the opening words, for “possession order under section 84” there is substituted “relevant possession order”;
 - (b) in sub-paragraph (i) the words “, on ground 2 or 2A of Part 1 of Schedule 2” are omitted.
- (3) In sub-paragraph (12), after the definition of “the new tenant” there is inserted—
- ““relevant possession order” means—
 - (a) a possession order under section 84 that is made on ground 2, 2ZA or 2A of Part 1 of Schedule 2, or
 - (b) a possession order under section 84A;”.
- 13 In Part 5 of Schedule 2 to that Act (approval of redevelopment schemes for purposes of Ground 10A), in paragraph 5(3), after “83” there is inserted “or 83ZA”.
- 14 In Schedule 3 to that Act (grounds for withholding consent to assignment by way of exchange), in Ground 2, after “83” there is inserted “or 83ZA”.
- 15 (1) In that Schedule, Ground 2A is amended as follows.
- (2) In paragraph (a), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
- (3) In paragraph (b), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
- (4) In the definition of “relevant order”—
- (a) the word “or” before the final entry is omitted;
 - (b) in the final entry, after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
 - (c) at the end there is inserted—
 - “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;
 - an order under section 22 of that Act.”
- (5) After the definition of “relevant order” there is inserted—
- “An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.”
- (6) After the definition of “demotion order” there is inserted—
- “A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
- (7) The definition of a “Ground 2 or 14 possession order” is omitted.
- 16 After Ground 2A in that Schedule there is inserted—
- “Ground 2B*
- The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

Housing Act 1988 (c. 50)

- 17 (1) Section 6A of the Housing Act 1988 (demotion because of anti-social behaviour) is amended as follows.
- (2) In subsection (4), for paragraph (a) there is substituted—
- “**(a)** that the tenant or a person residing in or visiting the dwelling-house has engaged or has threatened to engage in—
- (i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
- (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and”.
- (3) After subsection (10) there is inserted—
- “(10A) In subsection (4)(a)(ii) “housing accommodation” includes—
- (a) flats, lodging-houses and hostels;
- (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
- (c) any common areas used in connection with the accommodation.”
- 18 (1) Section 7 of that Act (orders for possession) is amended as follows.
- (2) In subsection (3), after “below” there is inserted “(and to any available defence based on the tenant’s Convention rights, within the meaning of the Human Rights Act 1998)”.
- (3) In subsection (5A)(a), for “and 5” there is substituted “, 5 and 7A”.
- (4) In subsection (6)(a), after “Ground 2” there is inserted “, Ground 7A”.
- 19 In the heading of section 9A of that Act (proceedings for possession: anti-social behaviour) after “**possession**” there is inserted “**on non-absolute grounds**”.
- 20 In Schedule 1 to that Act (tenancies which cannot be assured tenancies), in paragraph 12ZA (family intervention tenancies), in sub-paragraph (3)(a)(i), for “ground 14” there is substituted “ground 7A of Part 1 of Schedule 2 or ground 14, 14ZA”.

Environmental Protection Act 1990 (c. 43)

- 21 In the Environmental Protection Act 1990, sections 92 to 94A (litter abatement notices, litter clearing notices and street litter control notices) are repealed.

Housing Act 1996 (c. 52)

- 22 In the Housing Act 1996, sections 153A to 158 and Schedule 15 (injunctions against housing-related anti-social behaviour) are repealed.
- 23 In section 218A of that Act (anti-social behaviour: landlords’ policies and procedures), for subsections (8) and (8A) there is substituted—
- “(8) Anti-social behaviour is—

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- (a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or
- (b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.”

Crime and Disorder Act 1998 (c. 37)

- 24 The following provisions of the Crime and Disorder Act 1998 are repealed—
- (a) sections 1 to 1K (anti-social behaviour orders etc);
 - (b) section 4 (appeals against orders);
 - (c) section 8A (parenting orders on breach of anti-social behaviour order).
- 25 (1) Section 8 of that Act (parenting orders) is amended as follows.
- (2) In subsection (1)(b), for “an anti-social behaviour order or” there is substituted “an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, an order is made under section 22 of that Act or a”.
 - (3) In subsection (1)(c) the words “, except in a case where section 8A below applies (parenting order on breach of anti-social behaviour order)” are omitted.
 - (4) In subsection (6)(a), for the words after “behaviour which led to” there is substituted “the order being made or the injunction granted”.
- 26 (1) Section 9 of that Act (parenting orders: supplemental) is amended as follows.
- (2) In subsection (1) the words “, other than an offence under section 1(10) above in respect of an anti-social behaviour order,” are omitted.
 - (3) In subsection (1B)—
 - (a) for “an anti-social behaviour order” there is substituted “an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is granted or an order is made under section 22 of that Act”;
 - (b) after “which” there is inserted “grants the injunction or”.
 - (4) In subsection (2)—
 - (a) paragraph (d) and the word “or” before it are omitted;
 - (b) in the text after paragraph (d) the words “(including any report prepared under section 1(1C))” are omitted.
 - (5) Subsection (2AA) is repealed.
- 27 (1) Section 18 of that Act (interpretation etc) is amended as follows.
- (2) In subsection (1)—
 - (a) the definitions of “anti-social behaviour order” and “individual support order” are omitted;
 - (b) paragraph (za) of the definition of “responsible officer” is omitted.
 - (3) In subsection (4)—
 - (a) the words “an individual support order or” are omitted;

(b) for “the child, defendant or parent, as the case may be” there is substituted “the child or, as the case may be, the parent”.

28 In section 38 of that Act (local provision of youth justice services), in subsection (4) (f) the words “individual support orders,” are omitted.

29 In section 114 of that Act (orders and regulations), in subsection (2) “(1A), (1G)” is omitted.

Criminal Justice and Police Act 2001 (c. 16)

30 Sections 12 to 16 of the Criminal Justice and Police Act 2001 (alcohol consumption in designated public places) are repealed.

Police Reform Act 2002 (c. 30)

31 (1) Section 50 of the Police Reform Act 2002 (power of constable to require person acting in an anti-social manner to give name and address) is amended as follows.

(2) In subsection (1) the words “(within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)” are omitted.

(3) After that subsection there is inserted—

“(1A) In subsection (1) “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).”

32 In Part 1 of Schedule 4 to that Act (powers exercisable by community support officers), paragraph 1(2)(e) (powers to issue fixed penalty notices in respect of offences under dog control orders) and the word “and” before it are omitted.

33 In Schedule 5 to that Act (powers exercisable by accredited persons), in paragraph 1(2), paragraph (d) and the word “and” before it are omitted.

Licensing Act 2003 (c. 17)

34 Sections 161 to 166 of the Licensing Act 2003 (closure orders of identified premises) are repealed.

35 (1) Section 167 of that Act (review of premise licence following closure order) is amended as follows.

(2) In subsection (1)(a), for “a closure order has come into force” there is substituted “a magistrates’ court has made a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act”.

(3) In subsection (1)(b), for the words after “the relevant licensing authority has” there is substituted “accordingly received a notice under section 80(9) or 84(7) of that Act”.

(4) In subsection (4)(a), for the words after “notice of” there is substituted “the review and of the order mentioned in subsection (1)(a)”.

(5) In subsection (5)(a), for the words after “to consider” there is substituted “the order mentioned in subsection (1)(a) and any relevant representations”.

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- 36 In section 168 of that Act (provisions about decisions under section 167), in subsections (3)(b) and (6)(b), for the words after “the premises to which the licence relates” there is substituted “are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014”.
- 37 Section 169 of that Act (enforcement of closure order) is repealed.
- 38 (1) Section 170 of that Act (exemption of police from liability for damages) is amended as follows.
- (2) In subsection (1) the words “of his functions in relation to a closure order or any extension of it or” are omitted.
- (3) Paragraph (b) of subsection (2) is omitted.
- 39 (1) Section 171 of that Act (interpretation of Part 8) is amended as follows.
- (2) In subsection (2), for “Relevant premises” there is substituted “Premises”.
- (3) In subsection (3) the word “relevant” is omitted.
- (4) In subsection (5)—
- (a) in the definition of “appropriate person” the word “relevant” is omitted;
- (b) the definitions of “closure order”, “extension”, “relevant magistrates’ court”, “relevant premises”, “responsible senior police officer” and “senior police officer” are omitted.
- 40 In Schedule 3 to that Act (matters to be entered in licensing register), for the words after “any notice given to it under” in paragraph (z) there is substituted “section 80(9) or 84(7) of the Anti-social Behaviour, Crime and Policing Act 2014 (notification by court of closure order)”.

Anti-social Behaviour Act 2003 (c. 38)

- 41 The following provisions of the Anti-social Behaviour Act 2003 are repealed—
- (a) Part 1 (closure of premises where drugs used unlawfully);
- (b) Part 1A (closure of premises associated with persistent disorder or nuisance);
- (c) Part 4 (dispersal of groups etc);
- (d) sections 40 and 41 (closure of noisy premises);
- (e) sections 48 to 52 (removal of graffiti and fly-posting) and the cross-heading before section 48.

Clean Neighbourhoods and Environment Act 2005 (c. 16)

- 42 Sections 55 to 64, 66 and 67 of the Clean Neighbourhoods and Environment Act 2005 are repealed.

Government of Wales Act 2006 (c. 32)

- 43 In Schedule 7 to the Government of Wales Act 2006 (legislative competence of Welsh Assembly), in the list of exceptions in paragraph 12, for “Anti-social behaviour orders” there is substituted “Orders to protect people from behaviour that causes or is likely to cause harassment, alarm or distress”.

Violent Crime Reduction Act 2006 (c. 38)

- 44 The following provisions of the Violent Crime Reduction Act 2006 (which relate to drinking banning orders) are repealed—
- (a) sections 1 to 7;
 - (b) section 8(1) to (6);
 - (c) sections 9 to 14.
- 45 Section 27 of that Act (directions to individuals who represent a risk of disorder) is repealed.

Crime and Security Act 2010 (c. 17)

- 46 Sections 40 and 41 of the Crime and Security Act 2010 (anti-social behaviour orders: report on family circumstances and parenting orders on breach) are repealed.

Localism Act 2011 (c. 20)

- 47 (1) In Schedule 14 to the Localism Act 2011 (grounds on which landlord may refuse to surrender and grant tenancies under section 158 of that Act), paragraph 6 (Ground 6) is amended as follows.
- (2) In sub-paragraph (2), for “or suspended Ground 2 or 14 possession order” there is substituted “, a suspended anti-social behaviour possession order or a suspended riot-related possession order”.
- (3) In sub-paragraph (3), for “or a Ground 2 or 14 possession order” there is substituted “, an anti-social behaviour possession order or a riot-related possession order”.
- (4) In sub-paragraph (4), in the definition of “relevant order”—
- (a) the word “or” before paragraph (e) is omitted;
 - (b) in paragraph (e), after “section 91 of the Anti-social Behaviour Act 2003” there is inserted “or section 27 of the Police and Justice Act 2006”;
 - (c) at the end there is inserted—
 - “(f) an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, or
 - (g) an order under section 22 of that Act;”.
- (5) After the definition of “relevant order” in that sub-paragraph there is inserted—
“An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to the Housing Act 1985 or Ground 14 in Schedule 2 to the Housing Act 1988.”
- (6) After the definition of “demotion order” in that sub-paragraph there is inserted—
“A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to the Housing Act 1985 or Ground 14ZA in Schedule 2 to the Housing Act 1988.”
- (7) The definition of “Ground 2 or 14 possession order” in that sub-paragraph is omitted.
- 48 After paragraph 6 of that Schedule there is inserted—

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“Ground 6A

- 6A This ground is that a dwelling-house let on an existing tenancy is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.”

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 49 (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid for civil legal services) is amended as follows.
- (2) In paragraph 36 of Part 1 (anti-social behaviour), in sub-paragraph (1), for the words after “in relation to” there is substituted “an application for, or proceedings in respect of, an injunction against the individual under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014.”
- (3) In paragraph 7 of Part 3 (certain advocacy services in a magistrates’ court excepted from the advocacy exclusion), for “and 15 to 18” there is substituted “, 15 to 18 and 36”.

Repeal of spent provisions etc

- 50 The following provisions are repealed.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Crime and Disorder Act 1998 (c. 37)	Section 40(2).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 192.
Police Reform Act 2002 (c. 30)	Sections 61 to 66.
Licensing Act 2003 (c. 17)	Section 155(2). In Schedule 6, paragraphs 121 to 125.
Anti-social Behaviour Act 2003 (c. 38)	Section 13. Section 14(3)(a). Section 56(1). Section 85(2) to (7) and (9) to (11). Section 86(1) to (4).
Sexual Offences Act 2003 (c. 42)	In Schedule 6, paragraph 38(3).
Criminal Justice Act 2003 (c. 44)	Sections 322 and 323. In Schedule 26, paragraph 59.
Children Act 2004 (c. 31)	In Schedule 2, paragraph 8.
Serious Organised Crime and Police Act 2005 (c. 15)	Section 139(1) to (9). Section 140(1) to (4).

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	Sections 141 to 143. In Schedule 7, paragraph 36. In Schedule 10, paragraph 3(3)(b).
Clean Neighbourhoods and Environment Act 2005 (c. 16)	Section 2. Section 20(2). Section 21. Section 22. Section 31. In Schedule 4, paragraphs 7, 13 and 16 to 19.
Drugs Act 2005 (c. 17)	Section 20. In Schedule 1, paragraph 7.
Violent Crime Reduction Act 2006 (c. 38)	Section 8(7). Section 26. Section 59(1).
Police and Justice Act 2006 (c. 48)	Section 26. In Schedule 14, paragraphs 12(3), 13(3), 15, 32 and 33.
Mental Health Act 2007 (c. 12)	In Schedule 1, paragraph 21.
Criminal Justice and Immigration Act 2008 (c. 4)	Section 118. Section 123. Section 124. Schedule 20.
Transport for London Act 2008 (c. i)	Section 29(a).
Coroners and Justice Act 2009 (c. 25)	In Schedule 21, paragraph 72.
Policing and Crime Act 2009 (c. 26)	Section 31.
Police Reform and Social Responsibility Act 2011 (c. 13)	In Schedule 16, paragraphs 307 to 309.
Localism Act 2011 (c. 20)	Section 155(1).

PART 2

AMENDMENTS RELATING TO PART 9

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 51 In section 19AA of the Criminal Procedure (Scotland) Act 1995 (samples etc from sex offenders), in subsection (1)(c), after “an order under section” there is inserted “122A or”.
- 52 In section 19AB of that Act (supplementary provision in risk of sexual harm order cases), in subsection (7), at the end of the definition of “risk of sexual harm order” there is inserted—
- “and also includes an order under section 122A of the 2003 Act (sexual risk orders);”.

Police Act 1997 (c. 50)

- 53 (1) Section 113CA of the Police Act 1997 (suitability information relating to children) is amended as follows.
- (2) After paragraph (f) of subsection (2) there is inserted—
- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
- (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
- (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
- (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.

(3) After paragraph (i) of that subsection there is inserted—

“(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—

 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;

(ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—

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- (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.
- 54 (1) Section 113CB of that Act (suitability information relating to protected adults) is amended as follows.
 - (2) After paragraph (f) of subsection (2) there is inserted—
 - “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
 - (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
 - (3) After paragraph (i) of that subsection there is inserted—
 - “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
 - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

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Crime and Disorder Act 1998 (c. 37)

- 55 (1) Section 8 of the Crime and Disorder Act 1998 (parenting orders) is amended as follows.
- (2) For “sexual offences prevention order” there is substituted “sexual harm prevention order”—
- (a) in subsection (1)(b);
 - (b) in subsection (6)(a).
- (3) For subsection (9) there is substituted—
- “(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).”

Sexual Offences Act 2003 (c. 42)

- 56 In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.
- 57 In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.
- 58 In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F,”.
- 59 In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(*Scotland and Northern Ireland*)”.
- 60 In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.
- 61 In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.
- 62 (1) Section 110 of that Act (SOPOs and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to SOPOs and interim SOPOs: Northern Ireland**”.
- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (4), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (5) there is substituted—
- “(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

- 63 (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—
- “(1ZA) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—
- (a) a sexual harm prevention order, or
- (b) an interim sexual harm prevention order,
- other than a prohibition on foreign travel.”
- 64 In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “*orders*” there is inserted “(*Scotland and Northern Ireland*)”.
- 65 (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.
- (2) For the heading there is substituted “**Surrender of passports: Northern Ireland**”.
- (3) In subsection (2), after “at a police station” there is inserted “in Northern Ireland”.
- (4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 66 In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 67 (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to foreign travel orders: Northern Ireland**”.
- (3) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 68 (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1)—
- (a) for “excuse, he” there is substituted “excuse—
- (a) he”;
- (b) at the end there is inserted “, or

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- (b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”
- (4) In subsection (1B)(a) the words “England and Wales and” are omitted.
- 69 In the cross-heading before section 123 of that Act, after “orders” there is inserted “(Northern Ireland)”.
- 70 (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
- (2) In subsection (1)—
- (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
 - (b) for “a magistrates’ court” there is substituted “a court of summary jurisdiction”;
 - (c) for “his police area” (in both places) there is substituted “Northern Ireland”;
 - (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
- (3) Subsection (2) is repealed.
- 71 (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
- (2) In subsection (2), for paragraphs (b) to (d) there is substituted—
- “(b) the Chief Constable of the Police Service of Northern Ireland.”
- (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard)”.
- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- (5) In subsection (7), for paragraphs (b) and (c) there is substituted—
- “(b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;
 - (c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”
- 72 In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- 73 (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.
- (2) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (3) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (4) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

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- 74 (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) For subsections (1) and (1A) there is substituted—
- “(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
- (a) a risk of sexual harm order,
 - (b) an interim risk of sexual harm order,
 - (c) a sexual risk order,
 - (d) an interim sexual risk order,
 - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
 - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
- commits an offence.”
- 75 (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “**etc**”.
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “122H or”.
- (4) For subsection (5) there is substituted—
- “(5) In this section “relevant order” means—
- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;
 - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (6) In subsection (5)—
- “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
- “interim risk of sexual harm order” includes an order under section 5 of that Act.”
- 76 (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—
- ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;
- ““interim sexual risk order” has the meaning given by section 122E(2);”;
- ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;

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““sexual harm prevention order” has the meaning given by section 103A(1);”;

““sexual risk order” has the meaning given by section 122A(1);”.

77 In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—

“(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)

78 (1) Section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO) is amended as follows.

(2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.

(3) In subsection (2), after “an order made under” there is inserted “section 122A or 122E or”.

79 (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.

(2) In the heading, after “**or section**” there is inserted “**122H or**”.

(3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.

(4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.

(5) In the definition of “relevant order” in subsection (5)—

(a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;

(b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;

(c) for paragraphs (c) and (d) there is substituted—

“(c) where the conviction or finding referred to in subsection (1) (a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under section 5 above or an interim order under section 122E or 126 of the 2003 Act—

(i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or

(ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;

(d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—

(i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or

- (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”

Violent Crime Reduction Act 2006 (c. 38)

- 80 In section 56 of the Violent Crime Reduction Act 2006 (cross-border provisions relating to sexual offences), subsection (2) is repealed.

Armed Forces Act 2006 (c. 52)

- 81 In Schedule 3A to the Armed Forces Act 2006 (Court Martial sentencing powers where election for trial by that court instead of CO), paragraph 13(2) and (3) (service sexual offences prevention orders) is repealed.

Armed Forces Act 2011 (c. 18)

- 82 (1) Section 17 of the Armed Forces Act 2011 (service sexual offences prevention orders) is repealed.
(2) In Schedule 4 to that Act (consequential amendments), paragraph 3(3) is repealed.

PART 3

AMENDMENTS RELATING TO PART 11

House of Commons Disqualification Act 1975 (c. 24)

- 83 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975. (bodies of which all members are disqualified) at the appropriate place there is inserted—
“The Police Remuneration Review Body.”

Police Pensions Act 1976 (c. 35)

- 84 In section 7 of the Police Pensions Act 1976 (payment of pensions and contributions), for paragraph (f) of subsection (2) there is substituted—
“(f) a person to whom section 100A of the Police Act 1996 applies (senior police officer appointed as member of staff of College of Policing);”.
- 85 (1) Section 11 of that Act (interpretation) is amended as follows.
(2) For paragraph (e) of subsection (1) there is substituted—
“(e) service, by a person to whom section 100A of the Police Act 1996 applies, as a member of the staff of the College of Policing;”.
- (3) In subsection (2A)(i) the words “the body known as” are omitted.
(4) In subsection (8A), for “the Chief Executive of the body known as” there is substituted “a member of the staff of”.

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Police and Criminal Evidence Act 1984 (c. 60)

- 86 (1) Schedule 2A to the Police and Criminal Evidence Act 1984 (fingerprinting and samples: power to require attendance at police station) is amended as follows.
- (2) In paragraph 1 (fingerprinting: persons arrested and released)—
- (a) in sub-paragraph (2), for “section 61(5A)(b)” there is substituted “section 61(5A)(b)(i)”;
 - (b) after sub-paragraph (3) there is inserted—

“(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”
- (3) In paragraph 2 (fingerprinting: persons charged etc)—
- (a) in sub-paragraph (2)(b), for “section 61(5B)(b)” there is substituted “section 61(5B)(b)(i)”;
 - (b) at the end of sub-paragraph (2) there is inserted “, or
 - (c) in a case falling within section 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.”
- (4) In paragraph 9 (non-intimate samples: persons arrested and released)—
- (a) in sub-paragraph (2), for “within section 63(3ZA)(b)” there is substituted “within section 63(3ZA)(b)(i) or (ii)”;
 - (b) after sub-paragraph (3) there is inserted—

“(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”
- (5) In paragraph 10 (non-intimate samples: persons charged etc)—
- (a) in sub-paragraph (3), for “within section 63(3A)(b)” there is substituted “within section 63(3A)(b)(i) or (ii)”;
 - (b) after sub-paragraph (4) there is inserted—

“(5) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.”

Police Act 1996 (c. 16)

- 87 In section 36 of the Police Act 1996 (general duty of Secretary of State), in subsection (2)(c), the words “(other than sections 61 and 62)” are omitted.
- 88 In section 97 of that Act (police officers engaged on service outside their force), in subsection (1)(i) the words “the body known as” are omitted.

- 89 In section 105 of that Act (extent), in subsection (3), for “sections 61 and 62” there is substituted “Part 3A”.

Police Act 1997 (c. 50)

- 90 In section 137 of the Police Act 1997 (extent), in subsection (2) (provisions extending to England and Wales only), after “sections” in paragraph (e) there is inserted “125(1A),”.

Police (Northern Ireland) Act 2000 (c. 32)

- 91 In section 49 of the Police (Northern Ireland) Act 2000 (severance arrangements), for subsection (4) there is substituted—
- “(4) Sections 25(8) and 26(6) of the Police (Northern Ireland) Act 1998 (requirement to consult the Board and the Police Association before making regulations) shall not apply in relation to regulations made by virtue of this section.”

Freedom of Information Act 2000 (c. 36)

- 92 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities), the following entries are inserted at the appropriate places—
- “The College of Policing.”
- “The Police Remuneration Review Body.”

Police Reform Act 2002 (c. 30)

- 93 (1) Section 29 of the Police Reform Act 2002 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1), in the definition of “serving with the police”, for “12(7)” there is substituted “12(7) to (10)”.
- (3) In subsection (1A), for “12(7)” there is substituted “12(7) to (10)”.
- 94 In section 39 (police powers for contracted-out staff), subsections (9) to (11) are repealed.
- 95 (1) Schedule 3 to that Act (handling of complaints and conduct matters etc) is amended as follows.
- (2) In paragraph 19, after paragraph (a) of sub-paragraph (7) there is inserted—
- “(aa) a body required by section 26BA to enter into an agreement with the Commission, or”.
- (3) In paragraph 20A(4), at the end there is inserted “, but this is subject to paragraph 19ZD (restriction on disclosure of sensitive information)”.
- (4) In paragraph 20C(4)—
- (a) the words from the beginning to “sub-paragraph (3),” are omitted;
- (b) at the end there is inserted “, except so far as—
- (a) regulations made by virtue of sub-paragraph (3) provide otherwise, or

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- (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- (5) In paragraph 20H(5)—
 - (a) the words from the beginning to “sub-paragraph (4),” are omitted;
 - (b) at the end there is inserted “, except so far as—
 - “(a) regulations made by virtue of sub-paragraph (4) provide otherwise, or
 - (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- (6) In paragraph 23(12)—
 - (a) the words from the beginning to “sub-paragraph (11),” are omitted;
 - (b) at the end there is inserted “, except so far as—
 - (a) regulations made by virtue of sub-paragraph (11) provide otherwise, or
 - (b) the Commission is prevented from doing so by paragraph 19ZD (restriction on disclosure of sensitive information).”
- (7) In paragraph 24A(3), after “a report” there is inserted “to the Commission”.
- (8) In paragraph 24C—
 - (a) in sub-paragraph (1), for “If” there is substituted “This paragraph applies where”;
 - (b) the words in that sub-paragraph from “it shall make” to the end are omitted;
 - (c) sub-paragraph (2) is repealed.
- (9) In paragraph 27—
 - (a) in the heading, after “*disciplinary proceedings*” there is inserted “*etc*”;
 - (b) in sub-paragraph (7), after “disciplinary” there is inserted “or other”;
 - (c) in sub-paragraph (9)(a), after “sub-paragraph (1)(b)” there is inserted “or (c)”.

Equality Act 2010 (c. 15)

- 96 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to public sector equality duty), at the appropriate place under the heading “*Police*” there is inserted—
 “The College of Policing.”

Police Reform and Social Responsibility Act 2011 (c. 13)

- 97 In section 7 of the Police Reform and Social Responsibility Act 2011 (police and crime plans), for paragraph (f) of subsection (1) there is substituted—
 “(ea) the services which are to be provided by virtue of section 143 of the Anti-social Behaviour, Crime and Policing Act 2014;
 (f) any grants which the elected local policing body is to make under that section, and the conditions (if any) subject to which any such grants are to be made.”
- 98 Section 9 of that Act (crime and disorder reduction grants) is repealed.
- 99 In Schedule 2 to that Act (chief constables), paragraph 7(3) is repealed.

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- 100 In Schedule 4 to that Act (Commissioner of Police of the Metropolis), paragraph 4(3) is repealed.

Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)

- 101 In article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (pensions: special constables and police cadets), in paragraph (2), for “the Police Negotiating Board for the United Kingdom” there is substituted “the Police Negotiating Board for Scotland”.

Repeal or revocation of spent provisions etc

- 102 The following provisions are repealed or revoked—

<i>Title and reference</i>	<i>Extent of repeal or revocation</i>
Police Act 1996 (c. 16)	In Schedule 7, paragraph 28.
Police (Northern Ireland) Act 1998 (c. 32)	Section 34.
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraph 92(2).
Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319)	In the Schedule, the entry for the Police Negotiating Board for the United Kingdom.
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)	In Schedule 1, the entry for the Police Negotiating Board for the United Kingdom. Schedule 21.
Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820)	In Schedule 2, paragraph 124.
Police (Northern Ireland) Act 2000 (c. 32)	In Schedule 6, paragraph 12(2).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entry for the Police Negotiating Board.
Police Reform Act 2002 (c. 30)	In Schedule 4, in paragraph 1(2), the word “and” at the end of paragraph (ca).
Police and Justice Act 2006 (c. 48)	In Schedule 4, paragraphs 3 and 10.
Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)	In Schedule 6, paragraph 5(3) and (4).
Policing and Crime Act 2009 (c. 26)	Section 12(3).
Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)	In Schedule 3, paragraphs 5 to 7.
Police Reform and Social Responsibility Act 2011 (c. 13)	Section 24(2)(a).

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<i>Title and reference</i>	<i>Extent of repeal or revocation</i>
	In Schedule 16, paragraphs 30(3), 35(3) and 38.
Police and Fire Reform (Scotland) Act 2012 (asp 8)	In Schedule 7, paragraph 13(4).
Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)	In Schedule 1, paragraph 5(4) to (6).

PART 4

AMENDMENTS RELATING TO PART 12

Prison Act (Northern Ireland) 1953 (c. 18)

- 103 In section 38 of the Prison Act (Northern Ireland) 1953 (arrest, etc, of persons unlawfully at large), in subsection (4), for “the last foregoing sub-section” there is substituted “subsection (2)”.

Extradition Act 2003 (c. 41)

- 104 In section 11 of the Extradition Act 2003 (bars to extradition), in subsection (1A), for “by reason of forum only” there is substituted “by reason of—
- (a) absence of prosecution decision, or
 - (b) forum,
- only”.
- 105 (1) Section 21 of that Act (human rights) is amended as follows.
- (2) For the heading there is substituted “**Person unlawfully at large: human rights**”.
- (3) In subsection (1) the words “11 or” are omitted.
- 106 In section 26 of that Act (appeal against extradition order: category 1 territory), in subsection (4), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 107 In section 28 of that Act (appeal against discharge at extradition hearing: category 1 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 108 In section 35 of that Act (extradition where there is no appeal), after subsection (4) there is inserted—
- “(4A) If the day referred to in paragraph (a) of subsection (4) is earlier than the earliest day on which, by reason of an order under section 36B or 36C, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”
- 109 In section 36 of that Act (extradition following appeal), after subsection (3) there is inserted—

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- “(3A) If the day referred to in paragraph (a) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 36B or 36C, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.”
- 110 In section 66 of that Act (supplementary provision for the purposes of sections 64 and 65), in subsection (1), for “(2)” there is substituted “(1A)”.
- 111 In section 103 of that Act (appeal where case sent to Secretary of State), in subsection (9), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 112 In section 105 of that Act (appeal against discharge at extradition hearing: category 2 territory), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 113 (1) Section 108 of that Act (appeal against extradition order: category 2 territory) is amended as follows.
- (2) In subsection (4), for the words before “is 14 days” there is substituted
- “Notice of application for leave to appeal under this section must be given—
- (a) in accordance with rules of court, and
- (b) subject to subsections (5) and (7A), before the end of the permitted period, which”.
- (3) In subsection (5)—
- (a) for “But notice of an appeal” there is substituted “Notice of application for leave to appeal”
- (b) after “if it is an” there is inserted “application for leave to”.
- (4) In subsection (6), for the words before “before the person is extradited” there is substituted “Notice of application for leave to appeal on human rights grounds given after the end of the permitted period must be given”.
- (5) In subsection (7)—
- (a) for “notice of an appeal” there is substituted “notice of application for leave to appeal”;
- (b) for “consider the appeal” there is substituted “grant leave”;
- (c) for “to consider the appeal” there is substituted “for the appeal to be heard”.
- (6) In subsection (8), for ““appeal on human rights grounds” means an appeal” there is substituted ““to appeal on human rights grounds” means to appeal”.
- 114 In section 110 of that Act (appeal against discharge by Secretary of State), in subsection (5), for “Notice of an appeal” there is substituted “Notice of application for leave to appeal”.
- 115 In section 117 of that Act (extradition where there is no appeal), in subsection (2), for the words after “28 days” there is substituted “starting with—
- (a) the day on which the Secretary of State makes the extradition order, or
- (b) if an order is made under section 118C or 118D, the earliest day on which the extradition order may be carried out.”

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- 116 In section 118 of that Act (extradition following appeal), after subsection (2) there is inserted—
- “(2A) But if the day referred to in paragraph (a) or (b) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 118C or 118D, the extradition order may be carried out (“the postponed date”), the required period is 28 days beginning with the postponed date.”
- 117 In section 137 (definition of extradition offence for the purposes of Part 2 of the Act: person not sentenced for offence) subsection (9) is repealed.
- 118 In section 138 (definition of extradition offence for the purposes of Part 2 of the Act: person sentenced for offence) subsection (9) is repealed.
- 119 (1) Section 197 of that Act (custody) is amended as follows.
- (2) In subsection (1), at the end there is inserted—
- “This is subject to the power to order the temporary transfer of a person under section 21B.”
- (3) After subsection (6) there is inserted—
- “(6A) An order for a person’s temporary transfer under section 21B is sufficient authority for an appropriate person—
- (a) to receive him;
- (b) to keep him in custody until he is transferred in accordance with the order;
- (c) to convey him to and from the territory to which he is to be transferred;
- (d) on his return from that territory, to keep him in custody until he is brought back to the institution to which he was committed.”
- 120 (1) Section 204 of that Act (warrant issued by category 1 territory: transmission by electronic means) is amended as follows.
- (2) In subsections (1)(c) and (2)(c), for “a qualifying form” there is substituted “a form in which it is intelligible and which is capable of being used for subsequent reference”.
- (3) In subsection (6)—
- (a) at the end of paragraph (a) there is inserted “and”;
- (b) paragraph (c) and the word “and” before it are omitted.
- 121 (1) Section 216 of that Act (interpretative provisions) is amended as set out in subparagraphs (2) and (3).
- (2) After subsection (10) there is inserted—
- “(10A) Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998.”
- (3) After subsection (12) there is inserted—
- “(12A) Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention.”

- (4) The following provisions of that Act are repealed in consequence of sub-paragraphs (2) and (3)—
- (a) the definition of “the Refugee Convention” in section 40(4);
 - (b) section 70(2A);
 - (c) section 153D(3).
- 122 In section 223 of that Act (orders and regulations), in subsection (6)(a), after the entry for section 173(4) there is inserted—
“section 189D(4);
section 189E(1)(b);”.
- 123 In section 226 of that Act (extent), in subsection (2), after “Sections” there is inserted “151B;”.
- 124 In Part 1 of Schedule 1 to that Act (re-extradition: category 1 territories), in paragraph 3, after “21(3)” there is inserted “and section 21A(5)”.

PART 5

AMENDMENTS CONSEQUENTIAL ON ESTABLISHMENT OF POLICE SERVICE OF SCOTLAND

Terrorism Act 2000 (c. 11)

- 125 (1) Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- (2) In paragraph 20B(10), for paragraph (b) of the definition of “a specified chief officer of police” there is substituted—
- “(b) the chief constable of the Police Service of Scotland, where—
 - (i) the person who provided the material, or from whom it was taken, resides in Scotland, or
 - (ii) the chief constable believes that the person is in, or is intending to come to, Scotland.”
- (3) In paragraph 20J—
- (a) for paragraphs (d) and (e) of the definition of “police force” there is substituted—
 - “(d) the Police Service of Scotland;
 - (e) the Scottish Police Authority;”;
 - (b) in the second of the three definitions of “responsible chief officer of police”, for the words after “the chief constable of” there is substituted “the Police Service of Scotland”.

Counter-Terrorism Act 2008 (c. 28)

- 126 (1) In section 18D of the Counter-Terrorism Act 2008 (use of retained material), in subsection (2) for “the Scottish Police Services Authority” there is substituted “the Scottish Police Authority”.
- (2) In section 18E(1) of that Act (interpretation of sections 18 to 18E), for paragraph (d) of the definition of “police force” there is substituted—
“(d) the Police Service of Scotland;”.