

CRIME AND POLICING BILL: KEELING SCHEDULES

This document shows provisions in other enactments as they would be amended by the Crime and Policing Bill as introduced in the House of Commons. It is intended to assist the consideration of these provisions in the Bill and should not be taken as a definitive statement of the law as it would have effect on the enactment of the Bill. This document also does not cover very minor or consequential amendments to provisions in other enactments.

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SECTION 1 OF THE RESTRICTION OF OFFENSIVE WEAPONS ACT 1959 AS AMENDED BY CLAUSE 11(3)

Section 1: Penalties for offences in connection with dangerous weapons.

(1) Any person who manufactures, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire or lends or gives to any other person

(a) any knife which has a blade which opens automatically—

(i) from the closed position to the fully opened position, or

(ii) from a partially opened position to the fully opened position, by manual pressure applied to a button, spring or other device in or attached to the knife, and which is sometimes known as a “flick knife” or “flick gun”; or

(b) any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a “gravity knife”, shall be guilty of an offence. ~~and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both such imprisonment and fine.~~

(1ZA) A person who is guilty of an offence subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);

(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both).

(1A) Any person who possesses any knife of a kind described in subsection (1) is guilty of an offence.

(1B) A person guilty of an offence under subsection (1A) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding ~~51 weeks~~ *the general limit in a magistrates’ court*, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 4 on the standard scale or to both.

“(c) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both)

~~(1C) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1B)(a) has effect as if the reference to 51 weeks were to 6 months.~~

(2) The importation of any knife of a kind described in subsection (1) is hereby prohibited.

(3) It is a defence for a person charged in respect of any conduct of that person relating to a knife of a kind described in subsection (1)—

(a) with an offence under subsection (1), or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show that the conduct was only for the purposes of making the knife available to a museum or gallery to which this subsection applies.

(4) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the knife only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.

(5) If the operator of, or a person acting on behalf of, a museum or gallery to which this subsection applies is charged with hiring or lending a knife of a kind described in subsection (1), it is a defence for them to show that they had reasonable grounds for believing that the person to whom they lent or hired it would use it only for cultural, artistic or educational purposes.

(6) Subsection (3) or (5) applies to a museum or gallery only if it does not distribute profits.

(7) In this section “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.

(8) A person is to be taken to have shown a matter mentioned in subsection (3), (4) or (5) if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

SECTION 37 OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSE 99(2)

Section 37: Duties of custody officer before charge.

(1) Where—

(a) a person is arrested for an offence—

(i) without a warrant; or

(ii) under a warrant not endorsed for bail, [Previously repealed]

(b) [Previously repealed]

the custody officer at each police station where he is detained after his arrest shall determine whether he has before him sufficient evidence to charge that person with the offence for which he was arrested and may detain him at the police station for such period as is necessary to enable him to do so.

(2) If—

(a) the custody officer (“C”) determines that C does not have such evidence before C, and

(b) the pre-conditions for bail are satisfied,

the person arrested must be released on bail (subject to subsection (3)).

(2A) If—

(a) the custody officer (“C”) determines that C does not have such evidence before C, and

(b) the pre-conditions for bail are not satisfied,

the person arrested must be released without bail (subject to subsection (3)).

(3) If the custody officer has reasonable grounds for believing that the person’s detention without being charged is necessary to secure or preserve evidence relating to an offence for which the person is under arrest or to obtain such evidence by questioning the person, he may authorise the person arrested to be kept in police detention.

(4) Where a custody officer authorises a person who has not been charged to be kept in police detention, he shall, as soon as is practicable, make a written record of the grounds for the detention.

(5) Subject to subsection (6) below, the written record shall be made in the presence of the person arrested who shall at that time be informed by the custody officer of the grounds for his detention.

(6) Subsection (5) above shall not apply where the person arrested is, at the time when the written record is made—

(a) incapable of understanding what is said to him;

(b) violent or likely to become violent; or

(c) in urgent need of medical attention.

(6A) Subsection (6B) applies where—

(a) a person is released under subsection (2) or (2A), and

(b) the custody officer determines that—

(i) there is not sufficient evidence to charge the person with an offence,
or

(ii) there is sufficient evidence to charge the person with an offence but the person should not be charged with an offence or given a caution in respect of an offence.

(6B) The custody officer must give the person notice in writing that the person is not to be prosecuted.

(6C) Subsection (6B) does not prevent the prosecution of the person for an offence if new evidence comes to light after the notice was given.]

(7) Subject to section 41(7) below, if the custody officer determines that he has before him sufficient evidence to charge the person arrested with the offence for which he was arrested, the person arrested—

(a) shall be—

(i) released without charge and on bail, or

(ii) kept in police detention,

for the purpose of enabling the Director of Public Prosecutions to make a decision under section 37B below,

(b) shall be released—

(i) without charge, and

(ii) if the pre-conditions for bail are satisfied, on bail,

but not for the purpose mentioned in paragraph (a),

(c) shall be released—

(i) without charge, and

(ii) if the pre-conditions for bail are not satisfied, without bail, or

(d) shall be charged.

(7A) The decision as to how a person is to be dealt with under subsection (7) above shall be that of the custody officer.

(7B) Where a person is dealt with under subsection (7)(a) above, it shall be the duty of the custody officer to inform him that he is being released, or (as the case may be) detained, to enable the Director of Public Prosecutions to make a decision under section 37B below.

(8) Where—

(a) a person is released under subsection (7)(b) or (c) above; and

(b) at the time of his release a decision whether he should be prosecuted for the offence for which he was arrested has not been taken,

it shall be the duty of the custody officer so to inform him.

(8ZA) Where—

(a) a person is released under subsection (7)(b) or (c), and

(b) the custody officer makes a determination as mentioned in subsection (6A)(b),

subsections (6B) and (6C) apply.

~~(8A) Subsection (8B) applies if the offence for which the person is arrested is one in relation to which a sample could be taken under section 63B below and the custody officer—~~

~~(a) is required in pursuance of subsection (2) above to release the person arrested and decides to release him on bail, or~~

~~(b) decides in pursuance of subsection (7)(a) or (b) above to release the person without charge and on bail.~~

~~(8B) The detention of the person may be continued to enable a sample to be taken under section 63B, but this subsection does not permit a person to be detained for a period of more than 24 hours after the relevant time.~~

(9) If the person arrested is not in a fit state to be dealt with under subsection (7) above, he may be kept in police detention until he is.

(10) The duty imposed on the custody officer under subsection (1) above shall be carried out by him as soon as practicable after the person arrested arrives at the police station or, in the case of a person arrested at the police station, as soon as practicable after the arrest.

(11) [Previously repealed]

(12) [Previously repealed]

(13) [Previously repealed]

(14) [Previously repealed]

(15) In this Part of this Act—

“arrested juvenile” means a person arrested with or without a warrant who appears to be under the age of 18 [Previously repealed]

“endorsed for bail” means endorsed with a direction for bail in accordance with section 117(2) of the Magistrates’ Courts Act 1980.

SECTION 38 OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSE 99(3)

Section 38: Duties of custody officer after charge

(1) Where a person arrested for an offence otherwise than under a warrant endorsed for bail is charged with an offence, the custody officer shall, subject to section 25 of the Criminal Justice and Public Order Act 1994, order his release from police detention, either on bail or without bail, unless—

(a) If the person arrested is not an arrested juvenile—

(i) his name or address cannot be ascertained or the custody officer has reasonable grounds for doubting whether a name or address furnished by him as his name or address is his real name or address;

(ii) the custody officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer to bail;

(iii) in the case of a person arrested for an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from committing an offence;

~~(iiia) in a case where a sample may be taken from the person under section 63B below, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable the sample to be taken from him;~~

(iv) in the case of a person arrested for an offence which is not an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from causing physical injury to any other person or from causing loss of or damage to property;

(v) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence; or

(vi) the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his own protection;

(b) if he is an arrested juvenile—

(i) any of the requirements of paragraph (a) above is satisfied ~~(but, in the case of paragraph (a)(iiia) above, only if the arrested juvenile has attained the minimum age); or~~

(ii) the custody officer has reasonable grounds for believing that he ought to be detained in his own interests.

(c) the offence with which the person is charged is murder.

(2) If the release of a person arrested is not required by subsection (1) above, the custody officer may authorise him to be kept in police detention ~~but may not authorise a person to be kept in police detention by virtue of subsection (1)(a)(iii) after the end of the period of six hours beginning when he was charged with the offence.~~

(2A) The custody officer, in taking the decisions required by subsection (1)(a) and (b) above (except (a)(i) and (vi) and (b)(ii)), shall have regard to the same considerations as those which a court is required to have regard to in taking the corresponding decisions under paragraph 2(1) of Part 1 of Schedule 1 to the Bail Act 1976 (disregarding paragraphs 1A and 2(2) of that Part).

(3) Where a custody officer authorises a person who has been charged to be kept in police detention, he shall, as soon as practicable, make a written record of the grounds for the detention.

(4) Subject to subsection (5) below, the written record shall be made in the presence of the person charged who shall at that time be informed by the custody officer of the grounds for his detention.

(5) Subsection (4) above shall not apply where the person charged is, at the time when the written record is made—

(a) incapable of understanding what is said to him;

(b) violent or likely to become violent; or

(c) in urgent need of medical attention.

(6) Where a custody officer authorises an arrested juvenile to be kept in police detention under subsection (1) above, the custody officer shall, unless he certifies—

(a) that, by reason of such circumstances as are specified in the certificate, it is impracticable for him to do so; or

(b) in the case of an arrested juvenile who has attained the age of 12 years, that no secure accommodation is available and that keeping him in other local authority accommodation would not be adequate to protect the public from serious harm from him,

secure that the arrested juvenile is moved to local authority accommodation.

(6A) In this section—

“local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989);

~~“minimum age” means the age specified in section 63B(3)(b) below;~~

“secure accommodation” means accommodation provided for the purpose of restricting liberty;

“sexual offence” means an offence specified in Part 2 of Schedule 18 to the Sentencing Code;

“terrorism offence” means an offence specified in Part 3 of that Schedule;

“violent offence” means murder or an offence specified in Part 1 of that Schedule;

and any reference, in relation to an arrested juvenile charged with a violent, sexual or terrorism offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

(6B) Where an arrested juvenile is moved to local authority accommodation under subsection (6) above, it shall be lawful for any person acting on behalf of the authority to detain him.

(7) A certificate made under subsection (6) above in respect of an arrested juvenile shall be produced to the court before which he is first brought thereafter.

(7A) In this section “imprisonable offence” has the same meaning as in Schedule 1 to the Bail Act 1976.

(8) In this Part of this Act “local authority” has the same meaning as in the Children Act 1989.

SECTION 63B OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSES 96(2), 98 and 100(1)

Section 63B: Testing for presence of ~~Class A~~ controlled drugs

(1) A sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified ~~Class A~~ controlled drug in his body if

- (a) either the arrest condition or the charge condition is met;
- (b) both the age condition and the request condition are met; and
- ~~(c) the notification condition is met in relation to the arrest condition, the charge condition or the age condition (as the case may be).~~
- (d) either a sample has not been taken from the person under this section during the period of the person's detention or the additional sample condition is met.*

(1A) The arrest condition is that the person concerned has been arrested for an offence but has not been charged with that offence and either—

- (a) the offence is a trigger offence; or
- (b) a police officer of at least the rank of inspector has reasonable grounds for suspecting that the misuse by that person of a specified ~~Class A~~ controlled drug caused or contributed to the offence and has authorised the ~~sample to be taken~~ *taking of samples in accordance with this section.*

(2) The charge condition is either—

- (a) that the person concerned has been charged with a trigger offence; or
- (b) that the person concerned has been charged with an offence and a police officer of at least the rank of inspector, who has reasonable grounds for suspecting that the misuse by that person of any specified ~~Class A~~ controlled drug caused or contributed to the offence, has authorised the ~~sample to be taken~~ *taking of samples in accordance with this section.*

(3) The age condition is—

- (a) if the arrest condition is met, that the person concerned has attained the age of 18;
- (b) if the charge condition is met, that he has attained the age of 14.

(4) The request condition is that a police officer has requested the person concerned to give the sample.

~~(4A) The notification condition is that—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that appropriate arrangements have been made for the police area as a whole, or for the particular police station, in which the person is in police detention, and~~

~~(b) the notice has not been withdrawn.~~

~~(4B) For the purposes of subsection (4A) above, appropriate arrangements are arrangements for the taking of samples under this section from whichever of the following is specified in the notification—~~

~~(a) persons in respect of whom the arrest condition is met;~~

~~(b) persons in respect of whom the charge condition is met;~~

~~(c) persons who have not attained the age of 18.~~

(4C) The additional sample condition is that one sample (only) has been taken from the person under this section during the period of the person's detention but—

(a) it was not suitable for the same means of analysis, or

(b) it proved insufficient.

(5) Before requesting the person concerned to give a sample, an officer must, if no sample has been taken from the person under this section during the period of the person's detention —

(a) warn him that if, when so requested, he fails without good cause to do so to give any sample which may be taken under this section he may be liable to prosecution, and

(b) in a case within subsection (1A)(b) or (2)(b) above, inform him of the giving of the authorisation and of the grounds in question.

(5A) In the case of a person who has not attained the age of 18—

(a) the making of the request under subsection (4) above;

(b) the giving of the warning and (where applicable) the information under subsection (5) above; and

(c) the taking of the sample,

may not take place except in the presence of an appropriate adult.

~~(5B) If a sample is taken under this section from a person in respect of whom the arrest condition is met no other sample may be taken from him under this section during the same continuous period of detention but—~~

~~*(a) if the charge condition is also met in respect of him at any time during that period the same continuous period of detention, the sample must be treated as a sample taken by virtue of the fact that the charge condition is met;*~~

~~*(b) the fact that the sample is to be so treated must be recorded in the person's custody record.*~~

(5C) Despite subsection (1)(a) above, a sample may be taken from a person under this section if—

(a) he was arrested for an offence (the first offence),

- (b) the arrest condition is met but the charge condition is not met,
- (c) before a sample is taken by virtue of subsection (1) above he would (but for his arrest as mentioned in paragraph (d) below) be required to be released from police detention,
- (d) he continues to be in police detention by virtue of his having been arrested for an offence not falling within subsection (1A) above, and
- (e) the sample is taken before the end of the period of 24 hours starting with the time when his detention by virtue of his arrest for the first offence began.

(5D) A sample must not be taken from a person under this section if he is detained in a police station unless he has been brought before the custody officer.

(6) A sample may be taken under this section only by a person prescribed by regulations made by the Secretary of State by statutory instrument.

No regulations shall be made under this subsection unless a draft has been laid before, and approved by resolution of, each House of Parliament.

(6A) The Secretary of State may by order made by statutory instrument amend—

- (a) paragraph (a) of subsection (3) above, by substituting for the age for the time being specified a different age specified in the order, or different ages so specified for different police areas so specified;
- (b) paragraph (b) of that subsection, by substituting for the age for the time being specified a different age specified in the order.

(6B) A statutory instrument containing an order under subsection (6A) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) Information obtained from a sample taken under this section may be disclosed—

- (a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the Bail Act 1976) to the person concerned;
- (aa) for the purpose of informing any decision about the giving of a conditional caution under Part 3 of the Criminal Justice Act 2003 or a youth conditional caution under Chapter 1 of Part 4 of the Crime and Disorder Act 1998 to the person concerned;
- (b) where the person concerned is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about his supervision;
- (c) where the person concerned is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be passed by a court and any decision about his supervision or release;
- (ca) for the purpose of an assessment which the person concerned is required to attend by virtue of section 9(2) or 10(2) of the Drugs Act 2005;

(cb) for the purpose of proceedings against the person concerned for an offence under section 12(3) or 14(3) of that Act;

(d) for the purpose of ensuring that appropriate advice and treatment is made available to the person concerned.

(8) A person who fails without good cause to give any sample which may be taken from him under this section shall be guilty of an offence.

(9) [Previously repealed]

(10) In this section—

“appropriate adult”, in relation to a person who has not attained the age of 18, means—

(a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation; or

(b) a social worker of a local authority; or

(c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes; and “police purposes” has the meaning given by section 101(2) of the Police Act 1996;

~~“relevant chief officer” means—~~

~~(a) in relation to a police area, the chief officer of police of the police force for that police area; or~~

~~(b) in relation to a police station, the chief officer of police of the police force for the police area in which the police station is situated.~~

SECTION 63C OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSE 96(3)

Section 63C: Testing for the presence of ~~Class A~~ controlled drugs: supplementary

(1) A person guilty of an offence under section 63B above shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 4 on the standard scale, or to both.

(2) A police officer may give an authorisation under section 63B above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

(3) If a sample is taken under section 63B above by virtue of an authorisation, the authorisation and the grounds for the suspicion shall be recorded as soon as is practicable after the sample is taken.

(4) If the sample is taken from a person detained at a police station, the matters required to be recorded by subsection (3) above shall be recorded in his custody record.

(5) Subsections (11) and (12) of section 62 above apply for the purposes of section 63B above as they do for the purposes of that section; and section 63B above does not prejudice the generality of sections 62 and 63 above.

~~(6) In section 63B above—~~

~~“Class A drug” and “misuse” have the same meanings as in the Misuse of Drugs Act 1971;~~

~~“misuse” has the same meaning as in the Misuse of Drugs Act 1971;~~

~~“specified” (in relation to a Class A drug) and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.~~

~~“specified controlled drug” means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations under section 63CA;~~

~~“trigger offence” means an offence specified in regulations under section 63CA.”~~

~~(6) In section 63B—~~

~~(a) “misuse” has the same meaning as in the Misuse of Drugs Act 1971;~~

~~(b) “specified controlled drug” means a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations made by the Secretary of State by statutory instrument;~~

~~(c) “trigger offence” means an offence specified in Schedule 2B.~~

~~(7) In Schedule 2B, “specified controlled drug” has the same meaning as in section 63B.~~

~~(8) The Secretary of State may by regulations made by statutory instrument amend Schedule 2B.~~

~~(9) Regulations under this section—~~

(a) may make different provision for different purposes or different areas, and

(b) may make transitional, transitory or saving provision.

(10) A statutory instrument containing regulations under subsection (8) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(11) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

SECTION 1 OF THE CHILD ABDUCTION ACT 1984 AS AMENDED BY CLAUSE 76(2)

Section 1: Offence of abduction of child by parent etc

(1) Subject to subsections (5) and (8) below, a person connected with a child under the age of sixteen commits an offence if he takes or sends the child out of the United Kingdom without the appropriate consent.

(1A) Subject to subsections (5) and (8), a person connected with a child under the age of sixteen commits an offence if—

(a) the child is taken or sent out of the United Kingdom with the appropriate consent, and

(b) at any time after the child is taken or sent, the person detains the child outside the United Kingdom without the appropriate consent.

(2) A person is connected with a child for the purposes of this section if—

(a) he is a parent of the child; or

(b) in the case of a child whose parents were not married to, or civil partners of, each other at the time of his birth, there are reasonable grounds for believing that he is the father of the child; or

(c) he is a guardian of the child; or

(ca) he is a special guardian of the child; or

(d) he is a person named in a child arrangements order as a person with whom the child is to live; or

(e) he has custody of the child.

(3) In this section 'the appropriate consent', in relation to a child, means—

(a) the consent of each of the following—

(i) the child's mother;

(ii) the child's father, if he has parental responsibility for him;

(iii) any guardian of the child;

(iiia) any special guardian of the child;

(iv) any person named in a child arrangements order as a person with whom the child is to live;

(v) any person who has custody of the child; or

(b) the leave of the court granted under or by virtue of any provision of Part II of the Children Act 1989; or

(c) if any person has custody of the child, the leave of the court which awarded custody to him.

(4) A person does not commit an offence under this section by taking or sending a child out of the United Kingdom, *or by detaining a child outside the United Kingdom*, without obtaining the appropriate consent if—

(a) he is a person named in a child arrangements order as a person with whom the child is to live and he takes or sends the child out of the United Kingdom, *or detains the child outside the United Kingdom*, for a period of less than one month; or

(b) he is a special guardian of the child and he takes or sends the child out of the United Kingdom, *or detains the child outside the United Kingdom*, for a period of less than three months.

(4A) Subsection (4) above does not apply if the person taking or sending the child out of the United Kingdom, *or detaining the child outside the United Kingdom*, does so in breach of an order under Part II of the Children Act 1989.

(5) A person does not commit an offence under this section by doing anything without the consent of another person whose consent is required under the foregoing provisions if—

(a) he does it in the belief that the other person—

(i) has consented; or

(ii) would consent if he was aware of all the relevant circumstances; or

(b) he has taken all reasonable steps to communicate with the other person but has been unable to communicate with him; or

(c) the other person has unreasonably refused to consent,

(5A) Subsection (5)(c) above does not apply if—

(a) the person who refused to consent is a person—

(i) named in a child arrangements order as a person with whom the child is to live;

(ia) who is a special guardian of the child; or

(ii) who has custody of the child; or

(b) the person taking or sending the child out of the United Kingdom, *or detaining the child outside the United Kingdom*, is, by so acting, in breach of an order made by a court in the United Kingdom.

(6) Where, in proceedings for an offence under this section, there is sufficient evidence to raise an issue as to the application of subsection (5) above, it shall be for the prosecution to prove that that subsection does not apply.

(7) For the purposes of this section—

(a) “guardian of a child”, “special guardian”, “child arrangements order” and “parental responsibility” have the same meaning as in the Children Act 1989; and

(b) a person shall be treated as having custody of a child if there is in force an order of a court in the United Kingdom awarding him (whether solely or jointly with another person) custody, legal custody or care and control of the child.

(8) This section shall have effect subject to the provisions of the Schedule to this Act in relation to a child who is in the care of a local authority detained in a place of safety, remanded otherwise than on bail or the subject of proceedings or an order relating to adoption.

SECTION 4A OF THE MINISTRY OF DEFENCE POLICE ACT 1987 AS AMENDED BY CLAUSE 109(9)

Section 4A: Appeals against dismissals etc

(1) The Secretary of State shall by regulations—

(a) make provision specifying the cases in which a member, or former member, of the Ministry of Defence Police may appeal to a police appeals tribunal;

(aa) make provision enabling the chief constable of the Ministry of Defence Police to appeal to a police appeals tribunal against a decision relating to—

(i) a member of the Ministry of Defence Police other than a senior officer, or

(ii) a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was not a senior officer;

(ab) make provision enabling the Secretary of State to appeal to a police appeals tribunal against a decision relating to—

(i) a senior officer of the Ministry of Defence Police, or

(ii) a former member of the Ministry of Defence Police who immediately before ceasing to be such a member was a senior officer;

(ac) make provision enabling the Director General of the Independent Office for Police Conduct to appeal to a police appeals tribunal against a decision made in proceedings at which the Director General presented the case.

(ad) make provision enabling the Police Ombudsman for Northern Ireland to appeal to a police appeals tribunal against a decision made in proceedings at which the Ombudsman presented the case.

(b) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made (or authorised to be made) in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police and Fire Reform (Scotland) Act 2012.

(2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the ~~appellant~~ *person to whom the appeal relates* in any way in which he could have been dealt with by the person who made the decision appealed against.

(3) The Secretary of State may make regulations as to the procedure on appeals to police appeals tribunals under this section.

(4) Regulations under this section may, in particular, make provision—

(a) for enabling a police appeals tribunal, in such circumstances as are specified in the regulations, to determine a case without a hearing;

(b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—

(i) by a relevant lawyer, or

(ii) by a person who falls within any description of persons prescribed by the regulations;

(c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,

and regulations made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the regulations.

(4A) Regulations under this section may provide for decisions relating to appeals which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead by—

(a) a person appointed in accordance with the regulations; or

(b) the Ministry of Defence Police Committee.

(5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first regulations made under this section after the commencement of paragraph 16 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(7) In this section—

“police appeals tribunal” means a tribunal constituted in accordance with regulations under this section;

“relevant lawyer” has the same meaning as in section 4.

“senior officer” has the same meaning as in section 4.

SECTION 40 OF THE CRIMINAL JUSTICE ACT 1988 AS AMENDED BY CLAUSE 14(6)

Section 40: Power to join in indictment count for common assault etc.

(1) A count charging a person with a summary offence to which this section applies may be included in an indictment if the charge—

(a) is founded on the same facts or evidence as a count charging an indictable offence; or

(b) is part of a series of offences of the same or similar character as an indictable offence which is also charged,

but only if (in either case) the facts or evidence relating to the offence are disclosed by material which, in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where person sent for trial under section 51 or 51A), has been served on the person charged.

(2) Where a count charging an offence to which this section applies is included in an indictment, the offence shall be tried in the same manner as if it were an indictable offence; but the Crown Court may only deal with the offender in respect of it in a manner in which a magistrates' court could have dealt with him.

(3) The offences to which this section applies are—

(a) common assault;

(aa) an offence under section 90(1) of the Criminal Justice Act 1991 (assaulting a prisoner custody officer);

(ab) an offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting a secure training centre custody officer);

(ac) an offence under paragraph 14 or 24 of Schedule 10 to the Criminal Justice and Courts Act 2015 (assaulting secure college custody officer);

(ad) an offence under section 14 of the Crime and Policing Act 2025 (assault of a retail worker);

(b) an offence under section 12(1) of the Theft Act 1968 (taking motor vehicle or other conveyance without authority etc.);

(c) an offence under section 103(1)(b) of the Road Traffic Act 1988 (driving a motor vehicle while disqualified);

(d) an offence mentioned in the first column of Schedule 2 to the Magistrates' Courts Act 1980 (criminal damage etc.) which would otherwise be triable only summarily by virtue of section 22(2) of that Act; and

(e) any summary offence specified under subsection (4) below.

(4) The Secretary of State may by order made by statutory instrument specify for the purposes of this section any summary offence which is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

(5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SECTION 141 OF THE CRIMINAL JUSTICE ACT 1988 AS AMENDED BY CLAUSE 11(1)

Section 141: Offensive Weapons

(1) Any person who manufactures, sells or hires or offers for sale or hire, exposes or has in his possession for the purpose of sale or hire, or lends or gives to any other person, a weapon to which this section applies shall be guilty of an offence ~~and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both~~

~~(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or to both;~~

~~(b) on conviction on indictment, to imprisonment for a term not exceeding 4 years, or to a fine, or to both. and liable—~~

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(e) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 4 years or a fine (or both).”;

(1A) Any person who possesses a weapon to which this section applies in private is guilty of an offence and liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks the general limit in a magistrates' court, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both;

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;

(ca) on conviction on indictment in England and Wales, to imprisonment for a term not exceeding 2 years or a fine (or both);

(d) on conviction on indictment in Northern Ireland, to imprisonment for a term not exceeding 4 years, to a fine or to both.

~~(1B) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, subsection (1A)(a) has effect as if the reference to 51 weeks were to 6 months.~~

(1C) For the purposes of subsection (1A) as it has effect in relation to England and Wales, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

- (a) a public place,
- (b) school premises,
- (c) further education premises, or
- (d) a prison.

(1D) For the purposes of subsection (1A) as it has effect in relation to Scotland, a person possesses a weapon to which this section applies in private if the person possesses the weapon on domestic premises.

(1E) For the purposes of subsection (1A) as it has effect in relation to Northern Ireland, a person possesses a weapon to which this section applies in private if the person possesses the weapon in a place other than—

- (a) a public place,
- (b) school premises, or
- (c) further education premises.

(1F) In subsections (1C) to (1E)—

“domestic premises” means premises occupied as a private dwelling (including any stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);

“further education premises”, in relation to England and Wales, means land used solely for the purposes of—

- (a) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992), or
- (b) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),

excluding any land occupied solely as a dwelling by a person employed at the institution or the 16 to 19 Academy;

“further education premises”, in relation to Northern Ireland, means land used solely for the purposes of an institution of further education within the meaning of Article 2 of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) excluding any land occupied solely as a dwelling by a person employed at the institution;

“prison” includes—

- (a) a young offender institution,
- (b) a secure training centre, and
- (c) a secure college;

“public place” includes any place to which, at the time in question, the public have or are permitted access, whether on payment or otherwise;

“school premises” means land used for the purposes of a school, excluding any land occupied solely as a dwelling by a person employed at the school; and

“school” has the meaning given by—

(a) in relation to land in England and Wales, section 4 of the Education Act 1996;

(b) in relation to land in Northern Ireland, Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)).

(2) The Secretary of State may by order made by statutory instrument direct that this section shall apply to any description of weapon specified in the order except—

- (a) any weapon subject to the Firearms Act 1968; and
- (b) crossbows.

(3) [Previously repealed]

(4) The importation of a weapon to which this section applies is hereby prohibited.

(5) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies—

- (a) with an offence under subsection (1) or (1A) above; or
- (b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation),

to show that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.

(6) In this section the reference to the Crown includes the Crown in right of Her Majesty’s Government in Northern Ireland; and

“visiting force” means any body, contingent or detachment of the forces of a country—

- (a) mentioned in subsection (1)(a) of section 1 of the Visiting Forces Act 1952; or
- (b) designated for the purposes of any provision of that Act by Order in Council under subsection (2) of that section,

which is present in the United Kingdom (including United Kingdom territorial waters) or in any place to which subsection (7) below applies on the invitation of Her Majesty's Government in the United Kingdom.

(7) This subsection applies to any place on, under or above an installation in a designated area within the meaning of section 1(7) of the Continental Shelf Act 1964 or any waters within 500 metres of such an installation.

(7A) It is a defence for a person charged with an offence under subsection (1A) to show that the weapon in question is one of historical importance.

(8) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies—

(a) with an offence under subsection (1) above; or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

to show that the conduct in question was only for the purposes of making the weapon available to a museum or gallery to which this subsection applies.

(8A) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question only in their capacity as the operator of, or as a person acting on behalf of, a museum or gallery.

(9) If the operator of, or a person acting on behalf of, a museum or gallery to which subsection (8) above applies is charged with hiring or lending a weapon to which this section applies, it shall be a defence for him to show that he had reasonable grounds for believing that the person to whom he lent or hired it would use it only for cultural, artistic or educational purposes.

(10) Subsection (8) above applies to a museum or gallery only if it does not distribute profits.

(11) In this section “museum or gallery” includes any institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.

(11ZA) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question for educational purposes only.

(11A) Subject to subsection (11C), where a person is charged with an offence under subsection (1) or (1A) above in respect of conduct of his relating to a weapon to which this section applies, it shall be a defence to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11AA) It is a defence for a person charged with an offence under subsection (1A) to show that the person possessed the weapon in question only for one or more of the purposes specified in subsection (11B).

(11B) Those purposes are—

- (a) the purposes of theatrical performances and of rehearsals for such performances;
- (b) the production of films (as defined in section 5B of the Copyright, Designs and Patents Act 1988 (c. 48));
- (c) the production of television programmes (as defined in section 405(1) of the Communications Act 2003 (c. 21)).

(11C) Where—

- (a) a person is charged with an offence under subsection (1) above in respect of conduct of his relating to a weapon to which this section applies (a “relevant weapon”), and
- (b) the relevant weapon is one the importation of which is prohibited,

subsection (11A) does not apply unless the condition in subsection (11D) is satisfied.

(11D) The condition is that there is in force as respects Scotland provision to the effect that it is a defence for a person (“A”) charged with a relevant offence in respect of A’s conduct relating to a relevant weapon to show that A’s conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11E) In subsection (11D), “relevant offence” means an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (c. 2) (penalty for improper importation of goods).

(11F) For the purposes of this section, a person shall be taken to have shown a matter specified in subsection (5), (7A), (8), (8A), (9), (11ZA), (11A) or (11AA) above if—

- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it; and
- (b) the contrary is not proved beyond a reasonable doubt.

(11G) The Scottish Ministers may by order made by statutory instrument modify the application of this section in relation to any description of weapon specified in the order.

(11H) An order under subsection (11G) may make different provision for different purposes.

(11J) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.

(11A) It shall be a defence for a person charged in respect of conduct of his relating to a weapon to which this section applies—

- (a) with an offence under subsection (1) or (1A) above, or

(b) with an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,

to show that his conduct was for the purpose only of making the weapon in question available for one or more of the purposes specified in subsection (11B).

(11AA) It is a defence for a person charged with an offence under subsection (1A) to show that they possessed the weapon in question only for one or more of the purposes specified in subsection (11B).

(11B) Those purposes are—

- (a) the purposes of theatrical performances and of rehearsals for such performances;
- (b) the production of films (within the meaning of Part 1 of the Copyright, Designs and Patents Act 1988 – see section 5B of that Act);
- (c) the production of television programmes (within the meaning of the Communications Act 2003 – see section 405(1) of that Act).

(11C) For the purposes of this section a person shall be taken to have shown a matter specified in subsection (5), (7A), (8), (8A), (9), (11ZA), (11A) or (11AA) if—

- (a) sufficient evidence of that matter is adduced to raise an issue with respect to it; and
- (b) the contrary is not proved beyond a reasonable doubt.

(11D) The Secretary of State may by order made by statutory instrument—

- (a) provide for exceptions and exemptions from the offence under subsection (1) or (1A) above or from the prohibition in subsection (4) above; and
- (b) provide for it to be a defence in proceedings for such an offence, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979, to show the matters specified or described in the order.

(11E) A statutory instrument containing an order under this section shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House.

(12) This section shall not have effect in relation to anything done before it comes into force.

(12A) An order under this section which has the effect that possession in private of a weapon of a particular description is, or is to become, an offence under subsection (1A) may make provision—

- (a) enabling arrangements to be made for the surrender of weapons of that description;
- (b) as to the procedure to be followed in relation to the surrender of such weapons;

(c) for the payment of compensation in respect of weapons surrendered in accordance with the arrangements;

(d) as to the requirements that must be met by a person making a claim for compensation;

(e) as to the procedure to be followed in respect of a claim and for the determination of a claim;

(f) enabling a person to exercise a discretion in determining whether to make a payment in response to a claim and the amount of such a payment.

(13) In the application of this section to Northern Ireland in subsection (2) above the reference to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland and the reference] to the Firearms Act 1968 shall be construed as a reference to the Firearms (Northern Ireland) Order 2004.

(14) In the application of this section to Northern Ireland, the power under subsection (11D) above to provide by order—

(a) for exceptions and exemptions from the offence under subsection (1) above; and

(b) for it to be a defence in proceedings for such an offence to show the matters specified or described in the order,

is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State).

(15) Any power of the Department of Justice in Northern Ireland to make an order under this section shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).

(16) No order shall be made by the Department of Justice under this section unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(17) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (16) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

**SECTION 141A OF THE CRIMINAL JUSTICE ACT 1988 AS AMENDED BY
CLAUSE 11(2)**

Section 141A: Sale of knives and certain articles with blade or point to persons under sixteen.

(1) Any person who sells to a person under the age of eighteen years an article to which this section applies shall be guilty of an offence ~~and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both. and liable -~~

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(2) Subject to subsection (3) below, this section applies to—

(a) any knife, knife blade or razor blade,

(b) any axe, and

(c) any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person.

(3) This section does not apply to any article described in—

(a) section 1 of the Restriction of Offensive Weapons Act 1959, or

(b) [Previously repealed]

(c) an order made by the Secretary of State under this section.

(4) Subject to section 141B, it shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SECTION 85 OF THE POLICE ACT 1996 AS AMENDED BY CLAUSE 109(2)

Section 85: Appeals against dismissal etc.

(1) The Secretary of State shall by rules make provision specifying the cases in which a member of a police force or a special constable, or a former member of a police force or a former special constable, may appeal to a police appeals tribunal.

(1A) The Secretary of State may by rules make provision enabling a chief officer of police to appeal to a police appeals tribunal against a decision relating to—

(a) a member or former member of the force for whom they are the chief officer, or

(b) a special constable or former special constable appointed for the chief officer's police area.

(1B) The Secretary of State may by rules make provision enabling a local policing body to appeal to a police appeals tribunal against a decision relating to—

(a) the chief officer of police for whom it is the local policing body, or

(b) any former chief officer of police for whom it was the local policing body.

(2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the ~~appellant~~ *person to whom the appeal relates* in any way in which he could have been dealt with by the person who made the decision appealed against.

(3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.

(4) Rules made under this section may, in particular, make provision—

(a) for enabling a police appeals tribunal, in such circumstances as are specified in the rules, to determine a case without a hearing;

(b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—

(i) by a relevant lawyer within the meaning of section 84, or

(ii) by a person who falls within any description of persons prescribed by the rules;

(c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,

and rules made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.

(4A) Rules under this section may make different provision for different cases and circumstances.

(5) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5A) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first rules made under this section after the commencement of paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such

an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(6) Schedule 6 shall have effect in relation to appeals under this section.

SCHEDULE 6 TO THE POLICE ACT 1996 AS AMENDED BY CLAUSE 109(4) to (8)

SCHEDULE 6: Appeals to Police Appeals Tribunals

Police appeals tribunals

1 (A1) Sub-paragraph (1) applies in the case of—

- (a) an appeal under section 85(1) by a senior officer or a former senior officer,*
- (b) an appeal under section 85(1A) relating to a senior officer or a former senior officer, or*
- (c) an appeal under section 85(1B).*

~~(1) In the case of an appeal by a senior officer or a former senior officer, the police appeals tribunal shall consist of three members appointed by the relevant person, of whom—~~

- ~~(a) one shall be a person chosen from a list of persons who satisfy the judicial appointment eligibility condition on a 5-year basis and have been nominated by the Lord Chancellor for the purposes of this Schedule,~~
- ~~(b) one shall be Her Majesty's Chief Inspector of Constabulary appointed under section 54(1) or one of Her Majesty's Inspectors of Constabulary nominated by the Chief Inspector, and~~
- ~~(c) one shall be the permanent secretary to the Home Office or a Home Office director nominated by the permanent secretary.~~

~~(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.~~

2 (A1) Sub-paragraph (1) applies in the case of—

- (a) an appeal under section 85(1) by a person to whom sub-paragraph (3) applies, or*
- (b) an appeal under section 85(1A) relating to such a person.*

~~(1) In the case of an appeal by a person to whom sub-paragraph (3) applies, the police appeals tribunal shall consist of three members appointed by the relevant person, of whom—~~

- ~~(a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),~~
- ~~(b) one shall be a senior officer, and~~
- ~~(c) one shall be a lay person.~~

~~(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.~~

~~(3) The persons to whom this sub-paragraph applies are—~~

- ~~(a) a member of a police force (other than a senior officer),~~
- ~~(b) a former member of a police force (other than a former senior officer),~~
- ~~(c) a special constable, and~~
- ~~(d) a former special constable.~~

2A (1) For the purposes of paragraphs 1 and 2, “the relevant person” means the person determined in accordance with rules made by the Secretary of State.

(2) Rules under sub-paragraph (1) may make—

- (a) different provision for different cases and circumstances;
- (b) provision for the relevant person to be able to delegate the power to appoint the members of a tribunal.

(3) A statutory instrument containing rules under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

Notice of appeal

3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

Respondent

4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

Casting vote

5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

6 [Previously repealed]

Effect of orders

7(1) Where on the determination of an appeal the tribunal makes such an order as is mentioned in section 85(2), the order shall take effect

- (a) by way of substitution for the decision appealed against, and
- (b) as from the date of that decision.

But this is subject to sub-paragraph (4).

(2) Where the effect of the order made by the police appeals tribunal is to reinstate the ~~appellant~~ *person to whom the appeal relates* in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.

(3) Where the effect of the order made by the police appeals tribunal is to reinstate the ~~appellant~~ *person to whom the appeal relates* in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

(4) *In a case where -*

- (a) on the determination of an appeal the tribunal makes an order the effect of which is to dismiss the person to whom the appeal relates, and*
- (b) the decision that is the subject of the appeal had not been a decision to dismiss the person, the order takes effect on the date on which it is made.*

Remuneration and expenses

8. Members of a police appeals tribunal shall be—

- (a) paid such remuneration, and
- (b) reimbursed for such expenses,

as the Secretary of State may determine.

Costs

9 (1) ~~An~~ *In the case of an appeal under section 85(1), the appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant local policing body.*

(2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section ~~85~~ 85(1), including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the relevant local policing body.

(3) In the case of an appeal under section 85(1A) or (1B) all the costs and expenses of the appeal are defrayed out of the police fund of the relevant local policing body, unless the police appeal tribunal directs that the respondent is to pay the whole or any part of their own costs.

Interpretation

10 In this Schedule—

(a) “senior officer” means a member of a police force holding a rank above that of chief superintendent,

(aa) “lay person” means a person who is not, and has never been—

- (i) a member of a police force or a special constable,
- (ii) a member of the civilian staff of a police force, including the metropolitan police force, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(4) and (6) of that Act),
- (iii) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London,
- (iiia) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002,
- (iv) a police and crime commissioner,
- (v) a member of staff of a police and crime commissioner, or of the Mayor's Office for Policing and Crime, within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011 (see section 102(3) and (5) of that Act),
- (vi) a constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (2012 asp 8) (see section 99 of that Act),

(vii) a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve,

(viii) a member of the British Transport Police Force or a special constable appointed under section 25 of the Railways and Transport Safety Act 2003,

(ix) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,

(x) a member of the Ministry of Defence Police,

(xi) a person (other than a member of the Ministry of Defence Police) who is under the direction and control of the chief constable for the Ministry of Defence Police,

(xii) a member of the Civil Nuclear Constabulary, or

(xiii) an employee of the Civil Nuclear Police Authority appointed under paragraph 6 of Schedule 10 to the Energy Act 2004,

(b) “relevant local policing body”, except in relation to an appeal under section 85 that relates to proceedings conducted under regulations made in pursuance of section 50(3A) or section 51(2B), means the local policing body which maintains—

(i) the police force of which the appellant is a member, or

(ii) the police force for the area for which the appellant is appointed as a special constable,

as the case may be.

(ba) the relevant local policing body”, in relation to an appeal under section 85 that relates to proceedings conducted under regulations made in pursuance of section 50(3A) or section 51(2B), means the local policing body which maintains—

(i) the police force of which the appellant was last a member, or

(ii) the police force for the area for which the appellant was last appointed as a special constable,

as the case may be.

SECTION 13 OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 123

Section 13: Uniform and publication of images.

(1) A person in a public place commits an offence if he—

- (a) wears an item of clothing, or
- (b) wears, carries or displays an article,

in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.

(1ZA) A person commits an offence if, on relevant premises, the person—

- (a) wears an item of clothing, or*
- (b) wears, carries or displays an article,*

in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.

(1A) A person commits an offence if the person publishes an image of—

- (a) an item of clothing, or
- (b) any other article,

in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation.

(1B) In subsection (1A) the reference to an image is a reference to a still or moving image (produced by any means).

(2) [Previously repealed]

(3) A person guilty of an offence under this section shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(4) A constable may seize an item of clothing or any other article if the constable—

- (a) reasonably suspects that it is evidence in relation to an offence under subsection (1) or (1ZA), and
- (b) is satisfied that it is necessary to seize it in order to prevent-
 - (i) the evidence being concealed, lost, altered or destroyed, or
 - (ii) *the item or article continuing to be displayed.*

(5) In connection with exercising the power in subsection (4), a constable may require a person to remove the item of clothing or other article if the person is wearing it.

(6) But the powers conferred by subsections (4) and (5) may not be exercised so as to seize, or require a person to remove, an item of clothing being worn next to the skin or immediately over a garment being worn as underwear.

(7) An item of clothing or other article seized by a constable under subsection (4) may be destroyed.

(8) In subsection (1ZA) “relevant premises” means any land and buildings used for the purposes of, or in connection with—

- (a) a prison within the meaning of the Prison Act 1952;*
- (b) a young offender institution within the meaning of section 43(1) of that Act;*
- (c) a secure training centre within the meaning of section 43(1) of that Act;*
- (d) approved premises within the meaning of section 13 of the Offender Management Act 2007;*
- (e) a prison within the meaning of the Prisons (Scotland) Act 1989;*
- (f) a young offenders institution within the meaning of section 19(1) of that Act;*
- (g) a prison within the meaning of the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.));*
- (h) a young offenders centre within the meaning of section 2 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));*
- (i) a juvenile justice centre within the meaning of Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9));*
- (j) service custody premises within the meaning of section 300 of the Armed Forces Act 2006;*
- (k) a removal centre within the meaning of section 147 of the Immigration and Asylum Act 1999.*

SECTION 43B OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 124(2)

Section 43B: Terrorist offenders released on licence: arrest without warrant pending recall decision

(1) Subject to subsection (2), a constable may arrest without warrant a terrorist offender who has been released on licence if the constable—

(a) has reasonable grounds for suspecting that the offender has breached a condition of their licence, and

(b) reasonably considers that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to detain the offender until a recall decision is made.

(2) A terrorist offender who is detained under this section must (unless recalled or otherwise detained under any other power) be released—

(a) if a recall decision is made not to revoke the offender's licence (and accordingly the offender is not recalled to prison), as soon as practicable after that decision is made, or

(b) if a recall decision has not been made by the end of the relevant period, at the end of that period.

(3) Part 1 of Schedule 8 makes provision that applies where a terrorist offender is arrested under this section.

(4) In this section "terrorist offender" means—

(a) an offender to whom a restricted release provision applies or would apply but for the fact that the offender has been released on licence;

(b) a life prisoner within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34 of that Act) who is serving a sentence for an offence within section 247A(2) of the Criminal Justice Act 2003;

(c) a life prisoner within the meaning of Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (see section 27 of that Act) who is serving a sentence, or is subject to an order for lifelong restriction, for an offence within section 1AB(2) of that Act;

(d) a life prisoner within the meaning of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (see Article 2 of that Order) who is serving a sentence for an offence within Article 20A(2) of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).

(e) *a person in respect of whom—*

(i) a domestic offence notification order (within the meaning of Schedule 4A to the Counter-Terrorism Act 2008), or

(ii) a service offence notification order (within the meaning of Schedule 6A to that Act),

has been made and who is serving a sentence for the offence by virtue of which the order was made.

(5) For the purposes of this section—

(a) a reference to an offender who has been released on licence includes an offender who —

(i) has been released temporarily pursuant to rules made under section 47(5) of the Prison Act 1952 or section 13(1)(c) of the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.)), or

(ii) has been released temporarily on licence pursuant to rules made under section 39(6) of the Prisons (Scotland) Act 1989;

(b) a reference to a condition of an offender's licence includes a condition to which an offender's temporary release is subject;

(c) a reference to revocation of an offender's licence includes recall of an offender from temporary release.

(6) In this section—

“prison” includes any place where a person is liable to be detained;

“recall decision”, in relation to a terrorist offender who has been released on licence, means a decision by any person with the power to revoke the offender's licence and recall the offender to prison whether or not to exercise that power;

the “relevant period” means—

(a) in relation to a terrorist offender who has been released on licence under the law of England and Wales, the period of 6 hours beginning with the time of the arrest under this section;

(b) in relation to a terrorist offender who has been released on licence under the law of Scotland or Northern Ireland, the period of 12 hours beginning with the time of the arrest under this section;

“restricted release provision” means—

(a) section 247A of the Criminal Justice Act 2003 section 1AB of the Prisoners and Criminal Proceedings (Scotland) Act Article 20A of the Criminal Justice (Northern Ireland) Order 2008.

(7) A person who has the powers of a constable in one part of the United Kingdom may exercise the power under subsection (1) in any part of the United Kingdom.

SECTION 59 OF THE POLICE REFORM ACT 2002 AS AMENDED BY CLAUSE 8(1)

Section 59: Vehicles used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

- (a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and
- (b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

(3) Those powers are—

- (a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
- (b) power to seize and remove the motor vehicle;
- (c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;
- (d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs (a) to (c).

~~(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—~~

- ~~(a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and~~
- ~~(b) it appears to him that the use has continued or been repeated after the warning.~~

~~(5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—~~

- ~~(a) the circumstances make it impracticable for him to give the warning;~~
- ~~(b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;~~
- ~~(c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or~~
- ~~(d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by~~

~~that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.~~

(6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Subsection (3)(c) does not authorise entry into a private dwelling house.

(8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9) In this section—

- “driving” has the same meaning as in the Road Traffic Act 1988 (c. 52);
- “motor vehicle” means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and
- “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

**PARAGRAPHS 23 TO 25 OF SCHEDULE 3 TO THE POLICE REFORM ACT 2002
AS AMENDED BY CLAUSE 107(1) to (3)**

Paragraphs 23 to 25 of Schedule 3: Handling of Complaints and Conduct matters etc.

Action by the Director General in relation to an investigation report under paragraph 22

23(1) This paragraph applies where—

(a) a report on an investigation carried out under the direction of the Director General is submitted to the Director General under sub-paragraph (3) of paragraph 22; or

(b) a report on an investigation carried out by a person designated by the Director General is submitted to the Director General, or is otherwise completed, under sub-paragraph (5) of that paragraph.

(1A) But if, following the submission or completion of such a report, the Director General determines under section 13B that the complaint or recordable conduct matter is to be re-investigated the provisions of this paragraph other than sub-paragraph (2)(a) (read with sub-paragraph (2ZA)) do not apply, or cease to apply, in relation to that report.

(2) On receipt of the report (or on its completion by the Director General), the Director General—

(a) if it appears that the appropriate authority has not already been sent a copy of the report, shall send a copy of the report to that authority;

(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;

(c) if the Director General determines that those conditions are so satisfied, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report; and

(d) shall notify the appropriate authority and the persons mentioned in sub-paragraph (5) of the Director General's determination under paragraph (b) and of any action taken by the Director General under paragraph (c).

(2ZA) Where the Director General would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(a) or to the Director of Public Prosecutions under sub-paragraph (2)(c), the Director General must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the Director General must not disclose.

~~(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person (if any) to whose conduct the investigation related.~~

(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against a person (if any) to whose conduct the investigation related.

(2B) The second condition is that—

(a) the circumstances are such that, in the opinion of the Director General, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with in the report fall within any prescribed category of matters.

(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the Director General may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the Director General, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the Director General must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the Director General considers it to be relevant).

(3) The Director of Public Prosecutions shall notify the Director General of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2)(c).

(4) [Previously repealed]

(5) The persons are—

(a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

(5A) On receipt of the report (or on its completion by the Director General), the Director General shall also—

(a) seek the views of the appropriate authority on—

(i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer,

(ii) whether or not any such person's performance is unsatisfactory, and

(iii) the other matters (if any) dealt with in the report (but not on whether the conditions in sub-paragraphs (2A) and (2B) are satisfied in respect of the report),

(b) having considered the views (if any) of the appropriate authority, make a determination as to—

(i) the matters described in paragraph (a)(i) and (ii), and

(ii) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take,

(c) having considered the views (if any) of the appropriate authority and if the Director General considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one

that the Director General is required to make under sub-paragraph (2)(b) or paragraph (b) of this sub-paragraph,

(d) notify the appropriate authority of the Director General's determination under paragraph (b) and any determination under paragraph (c),

(e) where the Director General determines that disciplinary proceedings of a form specified in the determination should be brought against a person, direct the appropriate authority to bring those proceedings, and

(f) direct the appropriate authority to determine what action (if any) the appropriate authority will in its discretion take, not being action involving the bringing of disciplinary proceedings, in respect of the matters dealt with in the report and having regard to the Director General's determination under paragraph (b) and any determination under paragraph (c).

(5B) The appropriate authority must comply with a direction given under sub-paragraph (5A)(e) and must secure that the proceedings, once brought, are proceeded with to a proper conclusion.

(5C) The Director General may at any time withdraw a direction given under sub-paragraph (5A)(e); and sub-paragraph (5B) shall not impose any obligation in relation to any time after the withdrawal of the direction.

(5D) The appropriate authority must keep the Director General informed of the action it takes in response to a direction given under sub-paragraph (5A)(e).

(5E) The appropriate authority must comply with the direction given under sub-paragraph (5A)(f) and must notify the Director General of the determination it makes.

(5F) On receipt of the report (or on its completion by the Director General), where it is a report of an investigation of a complaint, the Director General may also make a recommendation under paragraph 28ZA.

(6) [Previously repealed]

(7) [Previously repealed]

(8) [Previously repealed]

(9) [Previously repealed]

(10) [Previously repealed]

(11) [Previously repealed]

(12) [Previously repealed]

(13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2), (2A), (2B) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.

Action by the appropriate authority in response to an investigation report under paragraph 22

24(1) This paragraph applies where—

(a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph 22(2);

(b) [Previously repealed]

(2) On receipt of the report, the appropriate authority—

(a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;

(b) if it determines that those conditions are so satisfied, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report and

(c) shall notify the persons mentioned in sub-paragraph (5) of its determination under paragraph (a) and of any action taken by it under paragraph (b).

~~(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person (if any) to whose conduct the investigation related.~~

(2A) The first condition is that the report indicates that there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against a person (if any) to whose conduct the investigation related.

(2B) The second condition is that—

(a) the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with in the report fall within any prescribed category of matters.

(2C) For the purpose of sub-paragraph (2B)(a), the circumstances where the appropriate authority may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the appropriate authority, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(2D) In determining whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report, the appropriate authority must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the appropriate authority considers it to be relevant).

(3) The Director of Public Prosecutions shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2).

(4) [Previously repealed]

(5) The persons are—

(a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

(5A) [Previously repealed]

(5B) [Previously repealed]

(5C) [Previously repealed]

(6) On receipt of the report, the appropriate authority shall also—

(a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

(i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and

(ia) whether or not any such person's performance is unsatisfactory, and

(ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and

(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.

(6A) Where the report is a report of an investigation of a complaint and the appropriate authority is a local policing body, the appropriate authority may also, on receipt of the report, make a recommendation under paragraph 28ZA.

(6B) It shall be the duty of the appropriate authority—

(a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, and

(b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.

(7) [Previously repealed]

(8) [Previously repealed]

(9) [Previously repealed]

(10) [Previously repealed]

(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2), (2A), (2B) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.

Reviews with respect to an investigation

25(1) This paragraph applies where a complaint has been subjected to—

(a) an investigation by the appropriate authority on its own behalf;

(b) [Previously repealed]

(1A) But this paragraph does not apply where the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) and

did not (as a result of provision made by virtue of paragraph 20A(4)(a)) submit a further report under paragraph 22(2).

(1B) Where this paragraph applies, the complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.

(1C) The relevant review body must notify the following of an application for a review under sub-paragraph (1B)—

- (a) the appropriate authority,
- (b) every person entitled to be kept properly informed in relation to the complaint under section 21, and
- (c) the person complained against (if any).

(2) [Previously repealed]

(2ZA) [Previously repealed]

(2A) [Previously repealed]

(3) [Previously repealed]

(4) Where the relevant review body so requires on the making of an application for a review under sub-paragraph (1B), the appropriate authority must provide the relevant review body with—

- (a) a copy of the report of the investigation, and
- (b) such information concerning the authority's determinations under paragraph 24 as is described in a notification given by the relevant review body to the authority.]

(4A) On a review applied for under sub-paragraph (1B), the relevant review body must determine whether the outcome of the complaint is a reasonable and proportionate outcome.

(4B) In making a determination under sub-paragraph (4A), the relevant review body may review the findings of the investigation.

(4C) Where the Director General is the relevant review body and the Director General] finds that the outcome is not a reasonable and proportionate outcome, the Director General may—

- (a) make the Director General's own findings (in place of, or in addition to, findings of the investigation);
- (b) direct that the complaint be re-investigated;
- (c) make a recommendation to the appropriate authority in respect of any person serving with the police—
 - (i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;
 - (ii) that the person's performance is, or is not, unsatisfactory;
 - (iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the

person's conduct, efficiency or effectiveness to which the investigation related;

(iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;

(d) make a recommendation under paragraph 28ZA.

(4D) Where the Director General makes a recommendation under sub-paragraph (4C)(c)—

(a) the appropriate authority must notify the Director General whether it accepts the recommendation and (if it does) set out in the notification the steps that it is proposing to take to give effect to it, and

(b) sub-paragraphs (4) to (8) and (9)(b) of paragraph 27 apply in relation to the recommendation as if it had been made under that paragraph.

(4E) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—

(a) make a recommendation to the appropriate authority that the complaint be re-investigated by the authority on its own behalf;

(b) where the complaint has not previously been referred to the Director General under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the Director General under sub-paragraph (2) of that paragraph;

(c) make a recommendation to the appropriate authority in respect of any person serving with the police—

(i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;

(ii) that the person's performance is, or is not, unsatisfactory;

(iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency or effectiveness to which the investigation related;

(iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;

(d) make a recommendation under paragraph 28ZA.

(4F) Sub-paragraph (4G) applies where, on a review applied for under sub-paragraph (1B), the relevant review body determines that the report of the investigation indicates that ~~a criminal offence may have been committed by~~ *there is sufficient evidence to provide a realistic prospect of conviction of a criminal offence against* a person (if any) to whose conduct the investigation related and that—

(a) the circumstances are such that, in the opinion of the relevant review body, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with in the report fall within any category of matters prescribed for the purposes of paragraph 24(2B)(b).

(4FA) For the purposes of sub-paragraph (4F)(a), the circumstances where the relevant review body may form the opinion that it is not appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions include circumstances where, in the opinion of the relevant review body, it is not in the public interest for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(4FB) In making a determination under sub-paragraph (4F), the relevant review body must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (insofar as the relevant review body considers it to be relevant).

(4G) Where this sub-paragraph applies—

(a) if the Director General is the relevant review body, the Director General must notify the Director of Public Prosecutions of the determination under sub-paragraph (4F) and send the Director a copy of the report;

(b) if a local policing body is the relevant review body, the local policing body must make a recommendation to the appropriate authority that the appropriate authority—

(i) notify the Director of Public Prosecutions of the determination under sub-paragraph (4F), and

(ii) send the Director a copy of the report.

(4H) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (4E)(a), (b) or (c) or (4G)(b).

(4I) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.

(4J) Where this paragraph applies because the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) (“the first report”) and a further report under paragraph 22(2), the references in sub-paragraphs (4B) and (4C)(a) to the findings of the investigation do not include a reference to findings on the first report.

(5) [Previously repealed]

(6) [Previously repealed]

(7) [Previously repealed]

(8) [Previously repealed]

(9) [Previously repealed]

(9ZA) [Previously repealed]

(9ZB) [Previously repealed]

(9ZC) [Previously repealed]

(9A) [Previously repealed]

(10) The relevant review body shall give notification of the outcome of a review] under this paragraph and of its reasons for the determination made under sub-paragraph (4A)—

(a) to the appropriate authority,

(b) to the complainant;

(c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(d) except in a case where it appears to the relevant review body that to do so might prejudice any re-investigation of the complaint, to the person complained against (if any).

(11) [Previously repealed]

(12) It shall be the duty of the appropriate authority to comply with any directions given to it under this paragraph.

(13) The Secretary of State may by regulations make provision—

(a) for the form and manner in which applications under sub-paragraph (1B) are to be made;

(b) for the period within which any such application must be made; and

(c) for the procedure to be followed by the relevant review body when carrying out a review applied for under sub-paragraph (1B).

(14) In this paragraph references in relation to an investigation to the outcome of the complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the investigation.

SECTION 11 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 42(2)

Section 11: Engaging in sexual activity in the presence of a child

(1) A person aged 18 or over (A) commits an offence if—

- (a) he intentionally engages in an activity,
- (b) the activity is sexual,
- (c) for the purpose of obtaining sexual gratification, ~~he engages in it—~~
 - ~~(i) when another person (B) is present or is in a place from which A can be observed, and~~
 - ~~(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, A engages in it when another person (B) is present or is in a place from which A can be observed, and~~
- (d) either—
 - (i) B is under 16 and A does not reasonably believe that B is 16 or over, or
 - (ii) B is under 13.

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

SECTION 18 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 42(3)

Section 18: Abuse of position of trust: sexual activity in the presence of a child

(1) A person aged 18 or over (A) commits an offence if—

- (a) he intentionally engages in an activity,
- (b) the activity is sexual,
- (c) for the purpose of obtaining sexual gratification, ~~he engages in it—~~
 - ~~(i) when another person (B) is present or is in a place from which A can be observed, and~~
 - ~~(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, A engages in it when another person (B) is present or is in a place from which A can be observed,~~
- (d) A is in a position of trust in relation to B,
- (e) where subsection (2) applies, A knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to B, and
- (f) either—
 - (i) B is under 18 and A does not reasonably believe that B is 18 or over, or
 - (ii) B is under 13.

(2) This subsection applies where A—

- (a) is in a position of trust in relation to B by virtue of circumstances within section 21(2), (3), (4) or (5), and
- (b) is not in such a position of trust by virtue of other circumstances.

(3) Where in proceedings for an offence under this section it is proved that the other person was under 18, the defendant is to be taken not to have reasonably believed that that person was 18 or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(4) Where in proceedings for an offence under this section—

- (a) it is proved that the defendant was in a position of trust in relation to the other person by virtue of circumstances within section 21(2), (3), (4) or (5), and

(b) it is not proved that he was in such a position of trust by virtue of other circumstances,

it is to be taken that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

(5) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

SECTION 32 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 42(4)

Section 32: Engaging in sexual activity in the presence of a person with a mental disorder impeding choice

(1) A person (A) commits an offence if—

(a) he intentionally engages in an activity,

(b) the activity is sexual,

(c) for the purpose of obtaining sexual gratification, ~~he engages in it—~~

~~(i) when another person (B) is present or is in a place from which A can be observed, and~~

~~(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, *A engages in it when another person (B) is present or is in a place from which A can be observed,*~~

(d) B is unable to refuse because of or for a reason related to a mental disorder, and

(e) A knows or could reasonably be expected to know that B has a mental disorder and that because of it or for a reason related to it B is likely to be unable to refuse.

(2) B is unable to refuse if—

(a) he lacks the capacity to choose whether to agree to being present (whether because he lacks sufficient understanding of the nature of the activity, or for any other reason), or

(b) he is unable to communicate such a choice to A.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

SECTION 36 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 42(5)

Section 36: Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder

(1) A person (A) commits an offence if—

- (a) he intentionally engages in an activity,
- (b) the activity is sexual,
- (c) for the purpose of obtaining sexual gratification, ~~he engages in it—~~
 - ~~(i) when another person (B) is present or is in a place from which A can be observed, and~~
 - ~~(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, A engages in it when another person (B) is present or is in a place from which A can be observed,~~
- (d) B agrees to be present or in the place referred to in paragraph ~~(e)(i)~~ (c) because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
- (e) B has a mental disorder, and
- (f) A knows or could reasonably be expected to know that B has a mental disorder.

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years.

SECTION 40 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 42(6)

Section 40: Care workers: sexual activity in the presence of a person with a mental disorder

(1) A person (A) commits an offence if—

- (a) he intentionally engages in an activity,
- (b) the activity is sexual,
- (c) for the purpose of obtaining sexual gratification, ~~he engages in it—~~
 - ~~(i) when another person (B) is present or is in a place from which A can be observed, and~~
 - ~~(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it, A engages in it when another person (B) is present or is in a place from which A can be observed,~~
- (d) B has a mental disorder,
- (e) A knows or could reasonably be expected to know that B has a mental disorder, and
- (f) A is involved in B's care in a way that falls within section 42.

(2) Where in proceedings for an offence under this section it is proved that the other person had a mental disorder, it is to be taken that the defendant knew or could reasonably have been expected to know that that person had a mental disorder unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know it.

(3) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.

SECTION 66 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 57

Section 66: Exposure

~~(1) A person commits an offence if—~~

~~(a) he intentionally exposes his genitals, and~~

~~(b) he intends that someone will see them and be caused alarm or distress.~~

(1) A person (A) who intentionally exposes A's genitals commits an offence if –

(a) A intends that someone will see the genitals and be caused alarm, distress or humiliation, or

(b) A exposes the genitals for the purpose of obtaining sexual gratification and does so –

(i) with the intention that someone will see them, and

(ii) being reckless as to whether someone who sees them will be caused alarm, distress or humiliation.

(1A) But where A intends only that a particular person, or particular persons, will see A's genitals, A does not commit an offence by virtue of paragraph (b) of subsection (1) unless A is reckless as to whether that person, or at least one of those persons, will be caused alarm, distress or humiliation.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.

SECTION 87 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 62

Section 87: Method of notification and related matters

(1) A person gives a notification under section 83(1), 84(1) or 85(1) by—

~~(a) attending at such police station as the Secretary of State may by regulations prescribe or, if there is more than one, at any of them, and~~

(a) attending at the police station in the person's local police area that is for the time being specified in a document published for that local police area under this section, or if there is more than one such police station, at any one of them, and

(b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) A person giving a notification under section 84(1)—

(a) in relation to a prospective change of home address, or

(b) in relation to premises referred to in subsection (1)(c) of that section,

may give the notification at a police station that would fall within subsection (1) above if the change in home address had already occurred or (as the case may be) if the address of those premises were his home address.

(2A) The chief officer of police for each police area must publish, in such manner as the chief officer thinks fit, a document containing the name and address of each police station in that area at which a person may give a notification of the kind mentioned in subsection (1).

(2B) A chief officer of police must keep under review a document published by the chief officer under this section and may from time to time publish a revised version of the document in such manner as the chief officer thinks fit.

(3) Any notification under this section must be acknowledged; and an acknowledgment under this subsection must be in writing, and in such form as the Secretary of State may direct.

(5A) Where a notification is given in Scotland under section 83(1), 84(1) or 85(1), the relevant offender must, if requested to do so by the police officer or person referred to in subsection (1)(b), do one or more of the following—

(a) allow the officer or person to photograph any part of the offender,

(b) allow the officer or person to take from the offender, or provide to the officer or person, such relevant physical data as the officer or person considers appropriate,

(c) allow the officer or person to take from the offender any sample mentioned in any of paragraphs (a) to (c) of subsection (6) of section 18 of the Criminal Procedure (Scotland) Act 1995 by the means specified in that paragraph in relation to that sample,

(d) allow the officer or person to take from the offender any sample mentioned in subsection (6A) of that section by the means specified in that subsection.

(5B) Where a notification is given in Scotland under section 83(1), 84(1) or 85(1), the relevant offender must, if requested to do so by the police officer or person referred to in subsection (1)(b), produce each passport he has to that officer or person, for inspection by that officer or person.

(5C) In subsection (5B), “passport” has the same meaning as in section 83.

(6) [Previously repealed]

SECTION 91A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 64(2)

Section 91A: Review of indefinite notification requirements: qualifying relevant offender

(1) A qualifying relevant offender may apply to the relevant chief officer of police for a determination that the qualifying relevant offender is no longer subject to the indefinite notification requirements (“an application for review”).

(1A) The relevant chief officer of police may, without an application for review having been made, consider whether a qualifying relevant offender should remain subject to the indefinite notification requirements (referred to in sections 91A to 91F as an “own motion review”).

(2) A qualifying relevant offender means a relevant offender who, on the date on which he makes an application for review, is—

(a) subject to the indefinite notification requirements; and

(b) not subject to a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F, a sexual offences prevention order under section 104(1) or an interim sexual offences prevention order under section 109(3), or an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention orders on conviction).

(3) The “indefinite notification requirements” mean the notification requirements of this Part for an indefinite period by virtue of—

(a) section 80(1);

(b) section 81(1); or

(c) a notice given under section 96ZA.

(4) In this Part, the “relevant chief officer of police” means, subject to subsection (5), the chief officer of police for the police area in which a qualifying relevant offender is recorded as residing or staying in the most recent notification given by him under section 84(1) or 85(1).

(5) Subsection (6) applies if a qualifying relevant offender is recorded as residing or staying at more than one address in the most recent notification given by him under section 84(1) or 85(1).

(6) If this subsection applies, the “relevant chief officer of police” means the chief officer of police for the police area in which, during the relevant period, the qualifying relevant offender has resided or stayed on a number of days which equals or exceeds the number of days on which he has resided or stayed in any other police area.

(7) In subsection (6), “the relevant period” means the period of 12 months ending on the day on which the qualifying relevant offender makes an application for review.

SECTION 96A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 67(2)

Section 96A: Police powers of entry to and examination of relevant offender's home address)

(1) A sheriff may, if satisfied on the application of ~~a senior~~ *an appropriate* police officer as to the matters mentioned in subsection (2), grant a warrant authorising any constable of the Police Service of Scotland to enter premises in the sheriffdom (if necessary using reasonable force) and to examine and search them, and the things in them, for the purpose mentioned in subsection (3).

(2) Those matters are—

(a) that the premises are either—

(i) premises whose address has been notified by a relevant offender as his home address in his most recent notification of a home address under this Part; or

(ii) premises whose address has been notified by a relevant offender as the address of any other premises at which he regularly resides or stays, in his most recent notification under section 83(1) or 85(1) or in any notification under section 84(1) given by him since that notification;

(b) that the offender is not one to whom subsection (4) applies;

(c) that it would assist the carrying out of the purpose mentioned in subsection (3), for a constable of the relevant force to examine and search the premises and the things in them; and

(d) that on more than one occasion, a constable of the Police Service of Scotland has attempted to examine and search the premises and the things in them for the purpose mentioned in subsection (3) and has been unable (whether by not being able to search and examine the premises and the things in them, or by not being able to obtain entry to the premises) to do so.

(3) That purpose is assessing the risk of the offender committing a sexual offence.

(4) This subsection applies to the relevant offender if he is—

(a) remanded in or committed to custody by an order of a court;

(b) serving a sentence of imprisonment or a term of service detention;

(c) detained in a hospital; or

(d) outside the United Kingdom.

(5) A sheriff is to determine an application for a warrant under subsection (1) without hearing from the relevant offender or any other person who has an interest in the premises.

(6) A warrant under subsection (1) does not confer power to seize anything in the premises to which it relates.

(7) A warrant under subsection (1) must be executed at a reasonable hour.

(8) A warrant under subsection (1) continues in force until the expiry of the period of one month beginning with the date of the warrant's grant.

(9) A warrant under subsection (1) authorises entry on one occasion only.

(10) This section does not prejudice any other power of entry, examination, search or seizure.

(11) In this section—

Previously repealed

~~“senior police officer” means a constable of the Police Service of Scotland of the rank of superintendent or above; and~~

“appropriate police officer”, in relation to an application for a warrant under subsection (1), means a constable of the Police Service of Scotland authorised to make the application by a constable of the Police Service of Scotland who is of the rank of inspector or above;

“sexual offence” means—

(a) an offence within any of paragraphs 36 to 59C of Schedule 3; or

(b) any other offence in circumstances in which it would be likely that a determination such as is mentioned in paragraph 60 of that Schedule would be made in relation to the offence.

SECTION 96B OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 67(3)

Section 96B: Power of entry and search of a relevant offender's home address

(1) If on an application made by ~~a senior~~ *an appropriate* police officer of the relevant force a justice of the peace is satisfied that the requirements in subsection (2) are met in relation to any premises, he may issue a warrant authorising a constable of that force—

(a) to enter the premises for the purpose of assessing the risks posed by the relevant offender to which the warrant relates; and

(b) to search the premises for that purpose.

(2) The requirements are—

(a) that the address of each set of premises specified in the application is an address falling within subsection (3);

(b) that the relevant offender is not one to whom subsection (4) applies;

(c) that it is necessary for a constable to enter and search the premises for the purpose mentioned in subsection (1)(a); and

(d) that on at least two occasions a constable has sought entry to the premises in order to search them for that purpose and has been unable to obtain entry for that purpose.

(3) An address falls within this subsection if—

(a) it is the address which was last notified in accordance with this Part by a relevant offender to the police as his home address; or

(b) there are reasonable grounds to believe that a relevant offender resides there or may regularly be found there.

(4) This subsection applies to a relevant offender if he is—

(a) remanded in or committed to custody by order of a court;

(b) serving a sentence of imprisonment or a term of service detention;

(c) detained in a hospital; or

(d) outside the United Kingdom.

(5) A warrant issued under this section must specify the one or more sets of premises to which it relates.

(6) The warrant may authorise the constable executing it to use reasonable force if necessary to enter and search the premises.

(7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose mentioned in subsection (1)(a).

(8) Where a warrant issued under this section authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.

(9) In this section a reference to the relevant offender to whom the warrant relates is a reference to the relevant offender—

(a) who has in accordance with this Part notified the police that the premises specified in the warrant are his home address; or

(b) in respect of whom there are reasonable grounds to believe that he resides there or may regularly be found there.

(10) In this section—

“appropriate police officer”, in relation to an application for a warrant under subsection (1), means a constable authorised to make the application by a constable of the rank of inspector or above;

“the relevant force” means the police force maintained for the police area in which the premises in respect of which the application is made or the warrant is issued are situated;

~~“senior police officer” means a constable of the rank of superintendent or above.~~

SECTION 9 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSES 97(2) AND 100(3)

Section 9: Initial assessment following testing for presence of ~~Class A~~ *controlled* drugs

(1) This section applies if—

- (a) a sample is taken under section 63B of PACE (testing for presence of ~~Class A~~ *controlled* drug) from a person detained at a police station,
- (b) an analysis of the sample reveals that a specified ~~Class A~~ *controlled* drug may be present in the person's body, *and*
- (c) the age condition is met. ~~and~~
- ~~(d) the notification condition is met.~~

(2) A police officer may, at any time before the person is released from detention at the police station, require him to attend an initial assessment and remain for its duration.

(3) An initial assessment is an appointment with a suitably qualified person (an “initial assessor”)—

- (a) for the purpose of establishing whether the person is dependent upon or has a propensity to misuse any specified ~~Class A~~ *controlled* drug,
- (b) if the initial assessor thinks that he has such a dependency or propensity, for the purpose of establishing whether he might benefit from further assessment, or from assistance or treatment (or both), in connection with the dependency or propensity, *and*
- (c) if the initial assessor thinks that he might benefit from such assistance or treatment (or both), for the purpose of providing him with advice, including an explanation of the types of assistance or treatment (or both) which are available.

(4) The age condition is met if the person has attained the age of 18 or such different age as the Secretary of State may by order made by statutory instrument specify for the purposes of this section.

~~(5) In relation to a person (“A”) who has attained the age of 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons who have attained the age of 18 have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which A is detained, *and*~~
- ~~(b) the notice has not been withdrawn.~~

~~(6) In relation to a person (“C”) who is of an age which is less than 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons of that age have~~

~~been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which C is detained, and~~
~~(b) the notice has not been withdrawn.~~

~~(7) In subsections (5) and (6), “relevant chief officer” means the chief officer of police of the police force for the police area in which the police station is situated.~~

SECTION 10 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSES 97(3) AND 100(4)

Section 10: Follow-up assessment

(1) This section applies if—

- (a) a police officer requires a person to attend an initial assessment and remain for its duration under section 9(2), *and*
- (b) the age condition is met. ~~and~~
- ~~(c) the notification condition is met.~~

(2) The police officer must, at the same time as he imposes the requirement under section 9(2)—

- (a) require the person to attend a follow-up assessment and remain for its duration, and
- (b) inform him that the requirement ceases to have effect if he is informed at the initial assessment that he is no longer required to attend the follow-up assessment.

(3) A follow-up assessment is an appointment with a suitably qualified person (a “follow-up assessor”)—

- (a) for any of the purposes of the initial assessment which were not fulfilled at the initial assessment, and
- (b) if the follow-up assessor thinks it appropriate, for the purpose of drawing up a care plan.

(4) A care plan is a plan which sets out the nature of the assistance or treatment (or both) which may be most appropriate for the person in connection with any dependency upon, or any propensity to misuse, a specified *Class A controlled* drug which the follow-up assessor thinks that he has.

(5) The age condition is met if the person has attained the age of 18 or such different age as the Secretary of State may by order made by statutory instrument specify for the purposes of this section.

~~(6) In relation to a person (“A”) who has attained the age of 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting follow-up assessments for persons who have attained the age of 18 have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which A is detained, and~~
- ~~(b) the notice has not been withdrawn.~~

~~(7) In relation to a person (“C”) who is of an age which is less than 18, the notification condition is met if—~~

- ~~(a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting follow-up assessments for persons of that age~~

~~have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which C is detained, and~~

~~(b) the notice has not been withdrawn.~~

~~(8) In subsections (6) and (7), “relevant chief officer” means the chief officer of police of the police force for the police area in which the police station is situated.~~

SECTION 16 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 97(4)

Section 16: Samples submitted for further analysis

(1) A requirement imposed on a person by virtue of section 9(2) or 10(2) ceases to have effect if at any time before he has fully complied with the requirement—

(a) a police officer makes arrangements for a further analysis of the sample taken from him as mentioned in section 9(1)(a), and

(b) the analysis does not reveal that a specified ~~Class-A controlled~~ drug was present in the person's body.

(2) If a requirement ceases to have effect by virtue of subsection (1), a police officer must so inform the person concerned.

(3) Nothing in subsection (1) affects the validity of anything done in connection with the requirement before it ceases to have effect.

(4) If a person fails to attend an assessment which he is required to attend by virtue of section 9(2) or fails to remain for the duration of such an assessment but, at any time after his failure, the requirement ceases to have effect by virtue of subsection (1) above—

(a) no proceedings for an offence under section 12(3) may be brought against him, and

(b) if any such proceedings were commenced before the requirement ceased to have effect, those proceedings must be discontinued.

(5) If a person fails to attend an assessment which he is required to attend by virtue of section 10(2) or fails to remain for the duration of such an assessment but, at any time after his failure, the requirement ceases to have effect by virtue of subsection (1) above—

(a) no proceedings for an offence under section 14(3) may be brought against him, and

(b) if any such proceedings were commenced before the requirement ceased to have effect, those proceedings must be discontinued.

SECTION 17 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 97(5)

Section 17: Relationship with Bail Act 1976 etc.

~~(1) A requirement imposed on a person by virtue of section 9(2) or 10(2) ceases to have effect if at any time before he has fully complied with the requirement—~~

~~(a) he is charged with the related offence, and~~

~~(b) a court imposes on him a condition of bail under section 3(6D) of the Bail Act 1976 (c. 63) (duty to impose condition to undergo relevant assessment etc.).~~

(1) Subsection (1A) applies if a requirement is imposed on a person by virtue of section 9(2) or 10(2) and at any time before the person has fully complied with the requirement—

(a) the person is charged with the related offence, and

(b) a court imposes on the person a condition of bail under section 3(6D) of the Bail Act 1976 (duty to impose condition to undergo relevant Class A drug assessment etc).

(1A) For the purposes of the requirement—

(a) section 9(3)(a) or 10(4) applies as if for “specified controlled drug” there were substituted “specified controlled drug that is not a Class A drug”, and

(b) accordingly, the required initial or follow-up assessment (and any care plan within the meaning of section 10(4)) is in respect of the person’s dependency upon or propensity to misuse any specified controlled drug that is not a Class A drug only.

(2) For the purposes of section 3(6D) of the 1976 Act, a relevant assessment (within the meaning of that Act) is to be treated as having been carried out if—

(a) a person attends an initial assessment and remains for its duration, and

(b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.

(3) For the purposes of paragraph 6B(2)(b) of Schedule 1 to the 1976 Act (exceptions to right to bail for drug users in certain areas), a person is to be treated as having undergone a relevant assessment (within the meaning of that Act) if—

(a) the person attends an initial assessment and remains for its duration, and

(b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.

(4) An initial assessor may disclose information relating to an initial assessment for the purpose of enabling a court considering an application for bail by the person concerned to determine whether subsection (2) or (3) applies.

(5) Nothing in subsection (1) and (1A) affects—

(a) the validity of anything done in connection with the requirement before it ceases to have effect is modified by subsection (1A), or

(b) any liability which the person may have for an offence under section 12(3) or 14(3) committed before the requirement ~~ceases to have effect~~ *is modified by subsection (1A)*.

(6) In subsection (1), “the related offence” is the offence in respect of which the condition specified in subsection (1A) or (2) of section 63B of PACE is satisfied in relation to the taking of the sample mentioned in section 9(1)(a) of this Act.

SECTION 19 OF THE DRUGS ACT 2005 AS AMENDED BY CLAUSE 97(6)

Section 19: Interpretation

- (1) This section applies for the purposes of this Part.
- (2) “Class A drug”, “*controlled drug*” and “misuse” have the same meanings as in the Misuse of Drugs Act 1971 (c. 38).
- (3) ~~“Specified”, in relation to a Class A drug, has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (c. 43).~~
- (3) “*Specified controlled drug*” means a controlled drug specified in regulations under section 63C(6)(b) of PACE.
- (4) “Initial assessment” and “initial assessor” must be construed in accordance with section 9(3).
- (5) “Follow-up assessment” and “follow-up assessor” must be construed in accordance with section 10(3).
- (6) “Suitably qualified person” means a person who has such qualifications or experience as are from time to time specified by the Secretary of State for the purposes of this Part.
- (7) “Police support officer” means—
 - (a) persons appointed by a chief constable under paragraph 4 of Schedule 2 to the Police Reform and Social Responsibility Act 2011 (civilian staff of police forces outside London), and
 - (b) persons appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4 to that Act (civilian staff of metropolitan police force).
- (8) “PACE” means the Police and Criminal Evidence Act 1984 (c. 60).

SECTION 238 OF THE ARMED FORCES ACT 2006 AS AMENDED BY CLAUSE 43(2)

Section 238: Deciding the seriousness of an offence

(1) A court or officer dealing with an offender for a service offence (“the current offence”) must in considering the seriousness of the offence—

(a) consider the offender's culpability in committing the offence and any harm which the offence caused, was intended to cause or could foreseeably have caused;

(b) if the offender has one or more previous convictions, treat as an aggravating factor each previous conviction that the court or officer considers can reasonably be so treated;

(c) if the offender committed the current offence while—

(i) charged with another service offence and released from service custody, or

(ii) on bail,

treat the fact that it was committed in those circumstances as an aggravating factor.

(2) In considering whether a previous conviction can reasonably be treated as an aggravating factor the court or officer must have regard (in particular) to—

(a) the nature of the offence to which the conviction relates and its relevance to the current offence; and

(b) the time that has elapsed since the conviction.

(3) Any reference in subsection (1) or (2) to a previous conviction is to be read as a reference to—

(a) a previous conviction of a service offence; or

(b) a previous conviction by a court in the British Islands of an offence other than a service offence.

(c) Previously repealed

(d) Previously repealed

(4) Nothing in this section prevents the court or officer from treating a previous conviction by a court outside the British Islands as an aggravating factor in any case where the court or officer considers it appropriate to do so.

(5) Previously repealed

(6) In section 69 of the Sentencing Code (seriousness of offence with terrorist connection)—

(a) the references to a court are to be read as including a court dealing with an offender for an offence under section 42, and

(b) the reference in subsection (1) to an offence specified in Schedule 1 to that Code is to be read as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is an offence specified in Schedule 1.

(7) In section 69A of the Sentencing Code (seriousness of offence where foreign power condition met)—

(a) the references in that section to a court are to be read as including a court dealing with an offender for a service offence, and

(b) the reference in subsection (1)(b) to an offence which is not an offence listed in subsection (2) is to be taken as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is not an offence so listed.

(8) In section 70A of the Sentencing Code (sexual grooming of a child as aggravating factor) –

(a) the references in that section to a court are to be read as including a court dealing with an offender for a service offence, and

(b) the reference in subsection (1) to a specified child sex offence is to be read as including a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is a specified child sex offence.

PARAGRAPH 4(1) OF SCHEDULE 3 OF THE SAFEGUARDING OF VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 54(2)

Paragraph 4 of Schedule 3: Barred Lists

4(1) For the purposes of paragraph 3 relevant conduct is—

- (a) conduct which endangers a child or is likely to endanger a child;
- (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
- (c) conduct involving sexual material relating to children (including possession of such material);
- (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to DBS that the conduct is inappropriate;
- (e) conduct of a sexual nature involving a child, if it appears to DBS that the conduct is inappropriate;
- (f) failing to comply with the duty under section 45 of the Crime and Policing Act 2025 (duty to report suspected child sex offence).*

PARAGRAPH 1 OF SCHEDULE 4 OF THE SAFEGUARDING OF VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 77(1)

Schedule 4: Part 1: Regulated Activity Relating to Children

(1) An activity is a regulated activity relating to children if—

- (a) it is mentioned in paragraph 2(1), and
- (b) except in the case of activities falling within sub-paragraph (1A), it is carried out frequently by the same person or the period condition is satisfied.

(1A) The following activities fall within this sub-paragraph—

- (a) relevant personal care, and
- (b) health care provided by, or under the direction or supervision of, a health care professional.

(1B) In this Part of this Schedule “ relevant personal care ” means—

(a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),

(b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—

- (i) toileting (including in relation to the process of menstruation),
- (ii) washing or bathing, or
- (iii) dressing,

(c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

(d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,

(e) any form of training, instruction, advice or guidance which—

- (i) relates to the performance of the activity of eating or drinking,
- (ii) is given to a child who is in need of it by reason of illness or disability, and
- (iii) does not fall within paragraph (c), or

(f) any form of training, instruction, advice or guidance which—

(i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),

(ii) is given to a child who is in need of it by reason of age, illness or disability, and

(iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

“ health care ” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“ health care professional ” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.

(2) An activity is a regulated activity relating to children if—

(a) it is carried out frequently by the same person or the period condition is satisfied,

(b) it is carried out in an establishment mentioned in paragraph 3(1),

(c) it is carried out by a person while engaging in any work falling within sub-paragraph (2A) or (2B),

(d) it is carried out for or in connection with the purposes of the establishment, and

(e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

(a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and

(b) is not an activity mentioned in paragraph 2(1) ~~(disregarding paragraph 2(3A) and (3B)(b)).~~

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

(a) any such work which—

- (i) is carried out on a temporary or occasional basis, and
- (ii) is not an activity mentioned in paragraph 2(1) ~~(disregarding paragraph 2(3A) and (3B)(b))~~, or

~~(b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.~~

~~(2C) The reference in subsection (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.~~

(3) Each of the following, if carried out in England, is a regulated activity relating to children—

- (a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
- (b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
- (c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
- (d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.

(4) Any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.

(5) It is a regulated activity relating to children to foster a child (as mentioned in section 53).

(6) Each of the following, if carried out in Wales, is a regulated activity relating to children—

- (a) acting as a child minder so as to give rise to a requirement to register under section 21 of the Children and Families (Wales) Measure 2010;
- (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight (or such other age as may be substituted by order under section 19(4)(a) of the Children and Families (Wales) Measure 2010).

(7) For the purposes of sub-paragraph (6), “acting as a child minder” must be construed in accordance with section 19 of the Children and Families (Wales) Measure 2010.

(8) [Previously repealed]

(9) The exercise of a function of the Children's Commissioner for Wales or the deputy Children's Commissioner for Wales is a regulated activity relating to children.

(9A) The exercise of a function so far as the function—

- (a) relates to any of the matters mentioned in sub-paragraph (9B),
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children, and
- (c) is not a function which falls within sub-paragraph (9C),

is a regulated activity relating to children.

(9B) The matters in this sub-paragraph are—

- (a) [Previously repealed]
- (b) the exercise of a power under section 41 or 42 of the Children and Families (Wales) Measure 2010 (powers of inspection etc on entry onto childminding or day care premises in Wales or premises on which childminding or day care is suspected to be taking place);
- (c) any step taken in relation to Wales for the purposes of section 87(3) of the Children Act 1989 (welfare of children in boarding schools and colleges);
- (d) an inspection in Wales under section 87(6) of that Act (inspection of boarding school or college);
- (e) any step taken in relation to Wales by a person appointed under section 87A(1) of that Act (appointment as an inspector of boarding schools and colleges)—
 - (i) for the purposes of an agreement made in accordance with section 87A(2) of that Act, or
 - (ii) in order to comply with any requirement imposed on the person under section 87B of that Act;
- (f) an inspection under section 18C of the Education Act 1994 (inspection of teacher training);
- (g) an inspection under section 38 of the Education Act 1997 (inspection of local education authorities in Wales);
- (h) an inspection in Wales under section 33 of the Regulation and Inspection of Social Care (Wales) Act 2016 (inspections of regulated care and support services) of a residential family centre service, a fostering service, or an adoption service (each of which has the meaning given in Schedule 1 to that Act);

- (i) an inspection under Part 4 of the Learning and Skills Act 2000 (inspection of education and training within the remit of Her Majesty's Chief Inspector of Education and Training in Wales);
- (j) a review under section 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of local authority social services functions in Wales);
- (k) a review under section 149B of that Act as applied by section 30 of the Children Act 2004 (review or investigation of the functions of children's services authorities in Wales);
- (l) an inspection under section 28 of the Education Act 2005 (duty of Her Majesty's Chief Inspector of Education and Training in Wales to arrange regular inspections of certain schools);
- (m) an inspection under section 50 of that Act (inspection of denominational education);
- (n) an inspection in Wales under section 51 of that Act (power of local education authorities to inspect maintained school for specific purpose);
- (o) an inspection under section 55 of that Act (inspection of careers services in Wales);
- (p) [Previously repealed]
- (q) [Previously repealed]
- (r) [Previously repealed]
- (s) [Previously repealed]
- (t) [Previously repealed]

(9C) The exercise of a function to which sub-paragraph (10) applies so far as the function—

- (a) relates to the inspection of an establishment mentioned in paragraph 3(1), and
- (b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.

(10) This sub-paragraph applies to a function of—

- (a) [Previously repealed]
- (b) HM Chief Inspector of Education and Training in Wales;
- (ba) a body approved under section 106 of the Education and Skills Act 2008 (bodies approved to inspect registered independent educational institutions in England);

(c) a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c. 32) to inspect a registered independent school in Wales;

(d) [Previously repealed]

(e) [Previously repealed]

(f) [Previously repealed]

(g) the Welsh Ministers.

(11) The exercise of a function of the Welsh Ministers so far as the function—

(a) relates to the inspection of an establishment, agency, service provider or body falling within sub-paragraph (12), and

(b) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with children,

is a regulated activity relating to children.

(12) An establishment, agency, service provider or body falls within this sub-paragraph if it is—

(a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),

(b) an agency in relation to which such a requirement arises,

(ba) a service provider within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,

(c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),

and it provides any form of treatment or therapy for children.

(12A) [Previously repealed]

(13) In sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(13A) [Previously repealed]

(14) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1), (2), (9A), (9C) or (11) is a regulated activity relating to children.

~~(15) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.~~

PARAGRAPH 2 OF SCHEDULE 4 OF THE SAFEGUARDING OF VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 77(3)

Schedule 4: Part 1: Regulated Activity Relating to Children

(1) The activities referred to in paragraph 1(1) are—

- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
- (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
- (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
- (d) [Previously repealed]
- (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
- (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.

(2) Sub-paragraph (1)(a), (b) and (c) do not include—

- (a) teaching, training or instruction provided to a child in the course of his employment;
- (b) care for or supervision of a child in the course of his employment;
- (c) advice or guidance provided for a child in the course of his employment;
- (d) [Previously repealed]

(3) Sub-paragraph (2) does not apply if—

- (a) the child has not attained the age of 16, and
- (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.

~~(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.~~

(3B) Sub-paragraph (1)(b)—

- (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and

~~(b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.~~

~~(3C) The references in subsections (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.~~

(3D) Sub-paragraph (1)(c) does not include any legal advice.

(4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, he has any function relating to—

- (a) monitoring the content of matter which forms any part of the service,
- (b) removing matter from, or preventing the addition of matter to, the service, or
- (c) controlling access to, or use of, the service.

(5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—

- (a) access to the content of the matter;
- (b) contact with users of the service.

(6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

SECTION 28 OF THE OFFENDER MANAGEMENT ACT 2007 AS AMENDED BY CLAUSE 104

Section 28: Application of polygraph condition

(1) The Secretary of State may include a polygraph condition in the licence of a person to whom this section applies (see *subsections (2), (2A) and (2B)*).

(2) This section applies to a person serving a relevant custodial sentence in respect of a relevant sexual offence an offence within subsection (3A) or a relevant terrorist offence who—

- (a) is released on licence by the Secretary of State under any enactment; and
- (b) is not aged under 18 on the day on which he is released.

(2A) This section also applies to a person serving a relevant custodial sentence in respect of an offence of murder who—

- (a) the Secretary of State considers poses a risk of committing a relevant sexual offence on release;*
- (b) is released on licence by the Secretary of State under any enactment; and*
- (c) is aged 18 or over on the day the person is released.*

(2B) This section also applies to a person serving a relevant custodial sentence in respect of an offence who—

- (a) at any earlier time during that sentence was concurrently serving a relevant custodial sentence in respect of a relevant sexual offence;*
- (b) is released on licence by the Secretary of State under any enactment; and*
- (c) is aged 18 or over on the day the person is released.*

(3) In this section “relevant custodial sentence” means—

- (a) a life sentence within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34(2) of that Act), or
- (b) a fixed-term sentence within the meaning of Chapter 6 of Part 12 of the Criminal Justice Act 2003 (see section 237 of that Act) of a term of 12 months or more.

(3A) An offence is within this subsection if it is—

- (a) a relevant offence involving domestic abuse (see subsections (3B) and (3C)), or
- (b) a relevant sexual offence (see subsection (4)).

(3B) In this section “relevant offence involving domestic abuse” means—

- (a) an offence listed in subsection (3C) which involved behaviour by the offender amounting to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act);
- (b) an offence under section 39 of that Act (breach of domestic abuse protection order).

(3C) The offences are—

- (a) murder;
- (b) an offence under section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);
- (c) an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);
- (d) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).

(4) In this section “relevant sexual offence” means an offence specified in any one or more of—

- (a) Schedule 3 to the Sexual Offences Act 2003 (sexual offences attracting notification requirements),
- (b) Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sexual offences under the law of England and Wales specified for certain purposes),
- (c) paragraphs 1 to 21 of Schedule 16 to that Act (sexual offences under the law of Scotland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008, and
- (d) Part 2 of Schedule 17 to that Act (sexual offences under the law of Northern Ireland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008.

(4ZA) In determining for the purposes of subsection (4) whether an offence is specified in Schedule 3 to the Sexual Offences Act 2003, any limitation in that Schedule referring to the circumstances of a particular case (including the sentence imposed) is to be disregarded.

(4A) In this section “relevant terrorist offence” means—

- (a) an offence that is specified in Part 1 or 2 of Schedule 19ZA to the Criminal Justice Act 2003 (terrorism offences carrying restricted eligibility for release on licence),
- (b) [Previously repealed]—
- (c) an offence that was determined to have a terrorist connection, or
- (d) *an offence within any of subsections (4BA) to (4BC) which the Secretary of State is satisfied—*
 - (i) *was, or took place in the course of, an act of terrorism, or*
 - (ii) *was committed for the purposes of terrorism.*

(4B) In subsection (4A)—

(a) [Previously repealed]

(b) paragraph (c) is to be read in accordance with section 247A(7A) of the Criminal Justice Act 2003 (meaning of offences determined to have a terrorist connection).

(c) in paragraph (d) “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).

(4BA) An offence is within this subsection if—

(a) it was committed before 18 June 2009,

(b) it was punishable with imprisonment for more than 2 years, and

(c) it is not specified in Schedule A1 to the Sentencing Code (and in the case of a service offence, the corresponding offence is not so specified).

(4BB) An offence is within this subsection if—

(a) it was committed on or after 18 June 2009 but before 29 June 2021,

(b) it was punishable with imprisonment for more than 2 years,

(c) it is not specified in Schedule A1 to the Sentencing Code,

(d) it was not an offence in relation to which section 30 or 31 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied, (and was not an offence in relation to which section 31 of the Counter-Terrorism Act 2008 would have applied if paragraph (b) of subsection (1) of that section were omitted), and

(e) it is not a service offence.

(4BC) An offence is within this subsection if—

(a) it is a service offence,

(b) it was committed on or after 18 June 2009 but before any day specified for the coming into force of section 1 of the Counter-Terrorism and Sentencing Act 2021 for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006,

(c) it was punishable with imprisonment for more than 2 years,

(d) it was not an offence in relation to which section 32 of the Counter-Terrorism Act 2008 or section 69 of the Sentencing Code applied, and

(e) the corresponding offence is not specified in Schedule A1 to the Sentencing Code.

(4C) A sentence in respect of a service offence is to be treated for the purposes of this section (*except subsections (4BA) to (4BC)*) as if it were a sentence in respect of the corresponding offence.

(4D) In ~~subsection (4C)~~ *subsections (4BA) to (4C)* —

(a) “service offence” means an offence under—

- (i) section 42 of the Armed Forces Act 2006,
- (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
- (iii) section 42 of the Naval Discipline Act 1957;

(b) “corresponding offence” means—

- (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
- (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
- (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

(4E) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (4D)(b)(i) above as it applies for the purposes of the provisions of that Act referred to in subsection (3)(b) of that section.

(5) In section 250(4) of the Criminal Justice Act 2003 (licence conditions for prisoners serving sentences of imprisonment of twelve months or more etc), in paragraph (b)(i) after “Criminal Justice and Court Services Act 2000” there is inserted “or section 28 of the Offender Management Act 2007”.

PARAGRAPH 6A OF SCHEDULE 1 TO THE TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011 AS AMENDED BY CLAUSE 122(1)

Paragraph 6A: Weapons and explosives measure

(1)The Secretary of State may impose on the individual—

(za) a prohibition on possessing things of a specified description;

(zb) a prohibition on possessing things of a specified description without the permission of the Secretary of State;

(a) a prohibition on possessing ~~offensive weapons~~, imitation firearms or explosives;

(b) a prohibition on making an application for a firearm certificate or a shot gun certificate.

(1A) The descriptions of things which may be specified under sub-paragraph (1)(za) or (zb) are—

(a) any description of corrosive substances (as defined by section 6 of the Offensive Weapons Act 2019);

(b) any description of motor vehicles;

(c) any description of things made or adapted for use for causing injury to the person;

(d) any other description of things which the Secretary of State reasonably considers could be used for causing injury to the person.

(2)In sub-paragraph (1)(a)—

~~“offensive weapon” means an article made or adapted for use for causing injury to the person, or intended by the person in possession of it for such use (by that person or another);~~

“ imitation firearm ” has the same meaning as in the Firearms Act 1968 or (in relation to Northern Ireland) the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3));

“ explosive ” means anything that is—

(a)an explosive within the meaning of the Explosives Act 1875, or

(b)an explosive substance within the meaning of the Explosive Substances Act 1883.

(3) For the purposes of sub-paragraph (1)(b)—

(a) an application for a firearm certificate is an application under section 26A of the Firearms Act 1968 or article 4 of the Firearms (Northern Ireland) Order 2004;

(b) an application for a shot gun certificate is an application under section 26B of the Firearms Act 1968.

SECTION 1 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY PARAGRAPH 2 OF SCHEDULE 1

Section 1: Power to grant *youth* injunctions

(1) A court may grant an injunction under this section (*a youth injunction*) against a person aged 10 or over *but under 18* (“the respondent”) if two conditions are met.

(2) The first condition is that the court is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour.

(3) The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour.

~~(4) An injunction under this section~~ *A youth injunction* may for the purpose of preventing the respondent from engaging in anti-social behaviour—

(a) prohibit the respondent from doing anything described in the injunction;

(b) require the respondent to do anything described in the injunction.

(4A) But a youth injunction may not have the effect of excluding the respondent from the place where the respondent normally lives.

~~(5) Prohibitions and requirements in an injunction under this section~~ *a youth injunction* must, so far as practicable, be such as to avoid—

~~(a) any interference with the times, if any, at which the respondent normally works or attends school or any other educational establishment~~ *attends school or any other educational establishment, or at which the respondent normally works;*

(b) any conflict with the requirements of any other court order or injunction to which the respondent ~~may be~~ *is* subject.

~~(6) An injunction under this section must—~~

~~(a) specify the period for which it has effect, or~~

~~(b) state that it has effect until further order.~~

~~In the case of an injunction granted before the respondent has reached the age of 18, a period must be specified and it must be no more than 12 months.~~

(6) A youth injunction must specify the period for which it has effect, which must be no more than 12 months.

~~(7) An injunction under this section~~ *A youth injunction* may specify periods for which particular prohibitions or requirements have effect.

~~(8) An application for an injunction under this section must be made to—~~

~~(a) a youth court, in the case of a respondent aged under 18;~~

~~(b) the High Court or the county court, in any other case.~~

~~Paragraph (b) is subject to any rules of court made under section 18(2).~~

(8) An application for a youth injunction must be made to a youth court.

(9) In this Part, anti-social behaviour means-

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or*
- (b) housing-related anti-social conduct (see section 2).*

SECTION 35 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 3(2)

Section 35: Directions excluding a person from an area

(1) If the conditions in subsections (2) and (3) are met and an authorisation is in force under section 34, a constable in uniform may direct a person who is in a public place in the locality specified in the authorisation—

- (a) to leave the locality (or part of the locality), and
- (b) not to return to the locality (or part of the locality) for the period specified in the direction (“the exclusion period”).

(2) The first condition is that the constable has reasonable grounds to suspect that the behaviour of the person in the locality has contributed or is likely to contribute to—

- (a) members of the public in the locality being harassed, alarmed or distressed, or
- (b) the occurrence in the locality of crime or disorder.

(3) The second condition is that the constable considers that giving a direction to the person is necessary for the purpose of removing or reducing the likelihood of the events mentioned in subsection (2)(a) or (b).

(4) The exclusion period may not exceed ~~48 hours~~ 72 hours. The period may expire after (as long as it begins during) the period specified in the authorisation under section 34.

(5) A direction under this section—

- (a) must be given in writing, unless that is not reasonably practicable;
- (b) must specify the area to which it relates;
- (c) may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).

(6) The constable must (unless it is not reasonably practicable) tell the person to whom the direction is given that failing without reasonable excuse to comply with the direction is an offence.

(7) If the constable reasonably believes that the person to whom the direction is given is under the age of 16, the constable may remove the person to a place where the person lives or a place of safety.

(7A) A police officer of at least the rank of inspector must review each direction given under this section that specifies an exclusion period exceeding 48 hours as soon as reasonably practicable after the expiry of the 48 hours.

(8) Any constable may withdraw or vary a direction under this section; but a variation must not extend the duration of a direction beyond ~~48 hours~~ 72 hours from when it was first given.

(9) Notice of a withdrawal or variation of a direction—

- (a) must be given to the person to whom the direction was given, unless that is not reasonably practicable, and
- (b) if given, must be given in writing unless that is not reasonably practicable.

(10) In this section “public place” means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

(11) In this Part “exclusion period” has the meaning given by subsection (1)(b).

SECTION 76 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY PARAGRAPH 2 OF SCHEDULE 2

Section 76: Power to issue closure notices

(1) A police officer of at least the rank of inspector, ~~or~~ the local authority *or a registered social housing provider ("RSH provider")*, may issue a closure notice if satisfied on reasonable grounds—

(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(1A) An RSH provider may only issue a closure notice in respect of premises owned or managed by that provider.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice. For the maximum period, see section 77.

(3) A closure notice may prohibit access—

(a) by all persons except those specified, or by all persons except those of a specified description;

(b) at all times, or at all times except those specified;

(c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

(a) people who habitually live on the premises, or

(b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

(5) A closure notice must—

(a) identify the premises;

(b) explain the effect of the notice;

(c) state that failure to comply with the notice is an offence;

(d) state that an application will be made under section 80 for a closure order;

(e) specify when and where the application will be heard;

(f) explain the effect of a closure order;

(g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

(6) A closure notice may be issued only if reasonable efforts have been made to inform—

(a) people who live on the premises (whether habitually or not), and

(b) any person who has control of or responsibility for the premises or who has an interest in them,

that the notice is going to be issued.

(7) Before issuing a closure notice the police officer ~~or local authority~~, *local authority or RSH provider* must ensure that any body or individual the officer ~~or authority~~, *authority or provider* thinks appropriate has been consulted.

(8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

SECTION 77 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMMENDED BY CLAUSE 3(3)

Section 77: Duration of closure notices

(1) The maximum period that may be specified in a closure notice is ~~24 hours~~ *48 hours* unless subsection (2) applies.

(2) The maximum period is ~~48 hours~~ *72 hours*—

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, ~~or~~

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection, *or*

(c) if, in the case of a notice issued by the RSH provider, the notice is signed by an individual who is part of the provider's senior management.

(3) In calculating when the period of ~~48 hours~~ *72 hours* ends, Christmas Day is to be disregarded.

(4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours—

(a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, ~~or~~

(b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection, *or*

(c) if, in the case of a notice issued by the RSH provider, the RSH provider issues an extension notice signed by an individual who is part of the provider's senior management.

(5) An extension notice is a notice which—

(a) identifies the closure notice to which it relates, and

(b) specifies the period of the extension.

(6) In this section “chief executive officer”, in relation to a local authority, means—

the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

(7) For the purposes of this section, an individual is part of an RSH provider's senior management if the individual plays a significant role in—

(a) the making of decisions about how the whole or a substantial part of the activities of the provider which relate to social housing are to be managed or organised, or

(b) the management or organisation of the whole or a substantial part of such activities.

SECTION 81 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 3(4)

Section 81: Temporary orders

(1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.

(2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than ~~48 hours~~ 72 hours, if satisfied—

(a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable—

(a) the occupier of the premises,

(b) the person with control of or responsibility for the premises, or

(c) any other person with an interest in the premises,

to show why a closure order should not be made.

(4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

SECTION 104 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 6(2)

Section 104: Review of response to complaints about anti-social behaviour

(1) In a case where a person has made a complaint about anti-social behaviour in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an “ASB case review”) if—

- (a) that person, or any other person, makes an application for such a review, and
- (b) the relevant bodies decide that the threshold for a review is met.

(2) The relevant bodies in each local government area must—

- (a) make arrangements about the carrying out of ASB case reviews by those bodies (“review procedures”), and
- (b) ensure that the current review procedures are published.

(3) The review procedures must include provision about the making of applications for ASB case reviews; and, in particular, must—

- (a) specify the point of contact for making applications, and
- (b) ensure that applications made to that point of contact are passed on to all the relevant bodies in the local government area.

(4) In a situation where—

- (a) an application for an ASB case review is made, and
- (b) at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates,

the relevant bodies must decide that the threshold for a review is met.

(5) In any other situation where an application for an ASB case review is made, the question whether the threshold for a review is met must be decided by the relevant bodies in accordance with the review procedures; and the procedures may, in particular, include provision for this purpose which is framed by reference to any of these matters—

- (a) the persistence of the anti-social behaviour about which the original complaint was made;
- (b) the harm caused, or the potential for harm to be caused, by that behaviour;
- (c) the adequacy of the response to that behaviour.

(6) After the relevant bodies have decided whether or not the threshold for a review is met, they must inform the applicant of their decision.

(7) The relevant bodies who carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

(7A) Subsection (7) is subject to section 104A(7) (requirement for recommendations to be confirmed by local policing body where LPB case review takes place).

(8) The relevant bodies who carry out an ASB case review must inform the applicant of—

- (a) the outcome of the review, and
- (b) any recommendations made in accordance with subsection (7).

(9) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must publish information about the following matters which relates to that period—

- (a) the number of applications for ASB case reviews made to those bodies;
- (b) the number of times those bodies decided that the threshold for a review was not met;
- (c) the number of ASB case reviews those bodies have carried out;
- (d) the number of ASB case reviews carried out by those bodies that have resulted in recommendations being made.

(10) The question whether a complaint made about anti-social behaviour is a “qualifying complaint” for the purposes of subsection (4) is to be determined in accordance with subsections (11) and (12).

(11) A complaint about anti-social behaviour is a qualifying complaint if—

- (a) the complaint is made within the period of one month (or, if a different period is specified in the review procedures, that period) beginning with the date on which the behaviour is alleged to have occurred; and
- (b) the application for the ASB case review is made within the period of six months (or, if a different period is specified in the review procedures, that period) beginning with the date on which the complaint is made.

(12) But where a person makes two or more complaints about anti-social behaviour which meet the requirements in subsection (11), the question of which complaint is, or which complaints are, qualifying complaints is to be decided by the relevant bodies in accordance with the review procedures. The procedures may, in particular, include provision for this purpose which is framed by reference to whether different complaints relate to different aspects of particular anti-social behaviour (including different incidents comprised in particular anti-social behaviour).

(13) Schedule 4 (ASB case reviews: supplementary provision) has effect.

SECTION 105 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 6(4)

Section 105: ASB case reviews *and* LPB case reviews: interpretation

(1) This section applies for the purposes of ~~section 104~~ *sections 104 and 104A*, this section and ~~Schedule 4~~ *Schedules 4 and 4A*.

(2) In relation to England—

“local government area” means an area for which there is—

- (a) a relevant district council, or
- (b) a unitary authority;

“relevant district council” means the council of a district so far as it is not a unitary authority;

“unitary authority” means—

- (a) the council of a county so far as it is the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a London borough council,
- (d) the Common Council of the City of London in its capacity as a local authority, or
- (e) the Council of the Isles of Scilly;

and, in relation to a local government area in England—

“local provider of social housing” means a private registered provider of social housing that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the relevant district council or the unitary authority,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each integrated care board established under section 14Z25 of the National Health Service Act 2006 whose area is wholly or partly within that local government area, and

(d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(3) In relation to Wales—

“local government area” means—

- (a) a county, or
- (b) a county borough;

and, in relation to a local government area in Wales—

“local provider of social housing” means a body registered as a social landlord under section 3 of the Housing Act 1996 that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the council for the area,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each Local Health Board whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(4) These expressions have the meanings given—

“anti-social behaviour” means behaviour causing harassment, alarm or distress to members or any member of the public;

“applicant” means a person who makes an application for an ASB case review;

“ASB case review” has the meaning given in section 104(1);

“dwelling-house” has the same meaning as in the Housing Act 1985;

“co-option arrangements” has the meaning given in paragraph 5 of Schedule 4;

“LPB case review” has the meaning given by section 104A(2);

“relevant police area”, in relation to a local government area, means the police area which consists of, or includes all or part of, the local government area;

~~“reporting period”, in relation to the publication of information by the relevant bodies in a local government area, means a period, not exceeding 12 months, determined by those bodies.~~

“reporting period”

a) in relation to the publication of information by the relevant bodies in a local government area, or the provision of information by such bodies to a local policing body, means a period, not exceeding 12 months determined by those bodies for that purpose;

(b) in relation to the publication of information by a local policing body, means a period, not exceeding 12 months, determined by that body for that purpose.

SCHEDULE 4 TO THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AS AMENDED BY CLAUSE 6(5)

Schedule 4: ASB Case Reviews; Supplementary Provision

PART 1: Making and revising review procedures etc

Consultation: local policing bodies

1(1) In making and revising the review procedures, the relevant bodies in a local government area must consult the local policing body for the relevant police area *or (as the case may be) to each of the local policing bodies for the relevant police areas.*

~~(2) The “relevant police area” is the police area which consists of, or includes, the local government area.~~

Consultation: local providers of social housing

2 In making and revising the review procedures, the relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate.

Dissatisfaction with ASB case reviews

3 The review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have—

- (a) dealt with an application for an ASB case review, or
- (b) carried out an ASB case review.

Assessment and revision of review procedures

4 The review procedures must include provision ~~about—~~

- ~~(a) the assessment of the effectiveness of those procedures, and~~
- ~~(b) the revision of those procedures.~~

for the relevant bodies, on the applicant’s request and in such circumstances as may be specified in the procedures, to reconsider—

- (a) a decision not to carry out an ASB case review,*
- (b) a decision not to make recommendations under section 104(7) in respect of a matter arising from an ASB case review, or*
- (c) a recommendation made under section 104(7) in respect of such a matter.*

PART 2: INCLUSION OF LOCAL PROVIDERS OF SOCIAL HOUSING AMONG RELEVANT BODIES

Co-option arrangements

5 (1) The responsible authorities in a local government area must make arrangements (“co-option arrangements”) for the inclusion of local providers of social housing among the relevant bodies in that area.

(2) In this paragraph “responsible authorities” means—

- (a) in relation to a local government area in England—

- (i) the relevant district council or the unitary authority,
 - (ii) the chief officer of police for the police area which that local government area is within, and
 - (iii) each integrated care board established under section 14Z25 of the National Health Service Act 2006 whose area is wholly or partly within that local government area;
- (b) in relation to a local government area in Wales—
- (i) the council for the area,
 - (ii) the chief officer of police for the police area which that local government area is within, and
 - (iii) each Local Health Board whose area is wholly or partly within that local government area.

PART 3: ASB case reviews

Consultation and co-operation: local providers of social housing

6 (1) The relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate in carrying out ASB case reviews.

(2) The local providers of social housing must co-operate with the relevant bodies in the local government area in any matters specified by the relevant bodies that concern ASB case reviews.

Information

7 (1) The relevant bodies in a local government area may request any person to disclose information for a purpose connected with the carrying out of an ASB case review.

(2) If such a request is made to a person that exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (4)) comply with the request.

(3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (4)) comply with the request.

(4) This paragraph does not require or authorise—

(a) a disclosure, in contravention of any provisions of the data protection legislation, of personal data which is not exempt from those provisions, or

(b) a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(5) Subject to that, a disclosure under this paragraph does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

PART 4: GENERAL

Joint review procedures or co-option arrangements

8(1) The relevant bodies in two or more local government areas—

- (a) may jointly make review procedures applicable to those areas;
- (b) must secure that such jointly-made review procedures are in place if co-option arrangements applicable to those areas have been jointly made under sub-paragraph (2).

(2) The responsible authorities in two or more local government areas—

- (a) may jointly make co-option arrangements applicable to those areas;
- (b) must secure that such jointly-made co-option arrangements are in place if review procedures applicable to those areas have been jointly made under sub-paragraph (1).

(3) In a case where review procedures or co-option arrangements are made jointly in accordance with this paragraph, a reference to any of the following in section 104, *section 104A*, section 105 ~~or this Schedule~~, *this Schedule or Schedule 4A* is to be read accordingly—

- (a) the relevant bodies (in the case of review procedures) or the responsible authorities (in the case of co-option arrangements);
- (b) the local government area ~~or the relevant police area~~ (in either case).

Different review procedures or co-option arrangements for different parts of an area etc

9 (1) Review procedures may make different provision in relation to different parts of a local government area.

(2) Review procedures or co-option arrangements made jointly in accordance with paragraph 8 may make different provision in relation to—

- (a) different local government areas to which the procedures or arrangements are applicable, or
- (b) different parts of such areas.

Duty of local policing body to promote awareness of ASB case reviews

10 *A local policing body must, in such manner as it thinks appropriate, promote awareness of—*

- (a) opportunities in the body's police area to make applications for ASB case reviews, and*
- (b) the review procedures for such reviews.*

Guidance

11 The relevant bodies in a local government area must have regard to guidance issued by the Secretary of State in exercising functions under section 104 or this Schedule.

SECTION 1 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 69(3)

Section 1: Applications for Orders

(1) A chief officer of police may apply to a magistrates' court for ~~an order (a "stalking protection order")~~ *a stalking protection order* in respect of a person (the "defendant") if it appears to the chief officer that—

- (a) the defendant has carried out acts associated with stalking,
- (b) the defendant poses a risk associated with stalking ~~to another person to any person (whether or not that person was the victim of the acts mentioned in paragraph (a)), and~~
- (c) there is reasonable cause to believe the proposed order is necessary to protect ~~another person from such a risk (whether or not the other person was the victim of the acts mentioned in paragraph (a))~~ *that person from such a risk*.

~~(2) A stalking protection order is an order which, for the purpose of preventing the defendant from carrying out acts associated with stalking—~~

- ~~(a) prohibits the defendant from doing anything described in the order, or~~
- ~~(b) requires the defendant to do anything described in the order.~~

(3) A chief officer of police for a police area in England and Wales may apply for a stalking protection order only in respect of a person—

- (a) who resides in the chief officer's police area, or
- (b) who the chief officer believes is in that area or is intending to come to it.

(4) A risk associated with stalking—

- (a) may be in respect of physical or psychological harm to the ~~other person~~ *person concerned*;
- (b) may arise from acts which the defendant knows or ought to know are unwelcome to the ~~other person~~ *person concerned* even if, in other circumstances, the acts would appear harmless in themselves.

(5) It does not matter—

- (a) whether the acts mentioned in subsection (1)(a) were carried out in a part of the United Kingdom or elsewhere, or
- (b) whether they were carried out before or after the commencement of this section.

~~(6) See section 2A of the Protection from Harassment Act 1997 for examples of acts associated with stalking.~~

SECTION 4 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 69(6)

Section 4: Variations, renewals and discharges

(1) The defendant or a relevant chief officer of police (see section 14(1)) may apply to a ~~magistrates'~~ *an appropriate* court for an order varying, renewing or discharging a stalking protection order.

(2) Before making a decision on an application under subsection (1), the court must hear—

(a) the defendant, and

(b) any relevant chief officer of police who wants to be heard.

(3) On an application under subsection (1) the court may make any order varying, renewing or discharging the stalking protection order that the court considers appropriate.

(4) But the court may not—

(a) in renewing or varying an order, impose an additional prohibition or requirement unless satisfied that it is necessary to do so in order to protect a person from a risk associated with stalking;

(b) discharge an order before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and—

~~(i) where the application was made by a chief officer of police, that chief officer, or~~

~~(ii) in any other case, the chief officer of police who applied for the stalking protection order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.~~

(i) where the application was made by a chief officer of police, that chief officer;

(ii) where the application was made by the defendant and relates to a stalking protection order made under section 2, the chief officer of police who applied for the order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales;

(iii) where the application was made by the defendant and relates to a stalking protection order made under section 2A, the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.

(5) In subsection (1), “appropriate court”, in relation to an application to vary, renew or discharge a stalking protection order, means—

(a) where the order was made by a court other than a youth court—

(i) the court that made the order, or

(ii) if the order was made by a magistrates' court, any other magistrates' court acting in the local justice area in which that court acts;

(b) where the order was made by a youth court—

(a) if the defendant is under the age of 18 at the time the application is made, the youth court that made the order, or any other youth court acting in the local justice area in which that court acts;

(b) if the defendant is aged 18 or over at the time the application is made, any magistrates' court acting in the local justice area in which the youth court that made the order acts.

(6) For the purposes of this section, a stalking protection order made in the circumstances mentioned in section 2A(2)(b) is to be treated as an order made by the court by or before which the defendant was convicted.

SECTION 7 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 69(7)

Section 7: Appeals

(1) A defendant may appeal ~~to the Crown Court~~ against—

- (a) the making of a stalking protection order,
- (b) the making of an interim stalking protection order,
- (c) the making of an order under section 4 on an application by a chief officer of police, or
- (d) the refusal to make an order under section 4 on an application by the defendant.

(2) A chief officer of police who applied for a stalking protection order, an interim stalking protection order or an order under section 4 may appeal ~~to the Crown Court~~ against—

- (a) the refusal to make a stalking protection order,
- (b) the refusal to make an interim stalking protection order, or
- (c) the refusal to make an order under section 4 on an application by the chief officer.

(3) A relevant chief officer of police (see section 14(1)) may appeal ~~to the Crown Court~~ against the making of an order under section 4 on an application by the defendant.

(3A) *An appeal under subsection (1), (2) or (3) is to be made to—*

- (a) where the appeal is against a decision of the Crown Court, the Court of Appeal;*
- (b) in any other case, the Crown Court.*

(4) On any such appeal, ~~the Crown Court~~ *the court* may make—

- (a) such orders as may be necessary to give effect to its determination of the appeal, and
- (b) such incidental or consequential orders as appear to it to be appropriate.

(5) *For the purposes of section 4 (variations, renewals and discharges)—*

- (a) a stalking protection order that has been confirmed, varied or renewed on an appeal remains an order of the court that first made it;*
- (b) a stalking protection order made by a court on an appeal is to be treated as an order made by the court whose decision was appeal against.*

SECTION 9 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 70(3)

Section 9: Notification Requirements

(1) A person subject to—

- (a) a stalking protection order (other than one which replaces an interim stalking protection order), or
- (b) an interim stalking protection order,

must, within the period of 3 days beginning with the date of service of the order, notify to the police the information set out in subsection (2).

(2) The information is—

- (a) the person's name and, where the person uses one or more other names, each of those names;
- (b) the person's home address.

(3) A person who—

- (a) is subject to a stalking protection order or an interim stalking protection order, and
- (b) uses a name which has not been notified under this section,

must, before the end of the period of 3 days beginning with the date on which that happens, notify to the police that name.

(4) A person who—

- (a) is subject to a stalking protection order or an interim stalking protection order, and
- (b) changes home address,

must, before the end of the period of 3 days beginning with the date on which that happens, notify to the police the new home address.

(5) The requirements imposed by this section do not apply to a person who is subject to notification requirements under Part 2 of the Sexual Offences Act 2003.

(6) Subsection (7) applies where—

- (a) a person is subject to a stalking protection order or an interim stalking protection order,
- (b) at the time the order is made, the requirements imposed by this section do not apply to the person as a result of subsection (5),
- (c) the person ceases on a subsequent day (“the final day”) to be subject to the notification requirements mentioned in that subsection, and
- (d) the order remains in effect on the final day.

(7) The requirements imposed by this section apply to the person as from the final day, but as if the reference in subsection (1) to the date of service of the order were a reference to the final day.

(8) In this section, references to a stalking protection order include an order under section 364B of the Sentencing Code (power to make stalking protection orders on conviction).

SECTION 10 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSES 69(8) and 70(3)

Section 10: Method of notification and related matters

(1) A person whose home address is in England or Wales gives a notification under section 9(1), (3) or (4) by—

- (a) attending at a police station in the person's local police area, and
- (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) A person who does not have a home address in England or Wales gives a notification under section 9(1), (3) or (4) by—

- (a) attending at a police station in the local police area in which the ~~magistrates'~~ court which last made a stalking protection order or an interim stalking protection order in respect of the person is situated, and
- (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

(3) In relation to a person giving a notification under section 9(4), the references in subsections (1) and (2) to the person's home address are references to—

- (a) the person's new home address if the person gives the notification after changing home address, or
- (b) the person's old home address if the person gives the notification before changing home address.

(3A) In subsection (2), the reference to a stalking protection order includes an order under section 364B of the Sentencing Code (power to make stalking protection orders on conviction).

(4) A notification given in accordance with this section must be acknowledged—

- (a) in writing, and
- (b) in such form as the Secretary of State may direct.

(5) When a person gives notification under section 9(1), (3) or (4), the person must, if requested to do so by the police officer or person mentioned in subsection (1)(b), allow that officer or person to—

- (a) take the person's fingerprints,
- (b) photograph any part of the person, or
- (c) do both of these things.

(6) The power in subsection (5) is exercisable for the purpose of verifying the identity of the person.

**SECTION 13 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY
CLAUSE 69(9)**

Section 13: Procedure

(1) An application to a magistrates' court under any provision of this Act is to be by complaint.

(2) Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Act.

(3) An application to the Crown Court under any provision of this Act is to be made in accordance with rules of court.

SECTION 14 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 69(10)

Section 14: Interpretation

(1) In this Act—

“acts” includes omissions;

“chief officer of police” means—

(a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);

(b) the Commissioner of Police of the Metropolis;

(c) the Commissioner of Police for the City of London;

(d) the chief constable of the British Transport Police;

(e) the chief constable of the Ministry of Defence Police;

~~“defendant” has the meaning given by section 1(1)~~ “defendant”—

(a) in relation to a stalking protection order under section 2, has the meaning given by section 1(1);

(b) in relation to a stalking protection order under section 2A, has the meaning given by subsection (1) of that section;

“home address”, in relation to a person, means—

(a) the address of the person's sole or main residence in the United Kingdom, or

(b) if the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found and, if there is more than one such place, such of those places as the person may select;

“interim stalking protection order” has the meaning given by section 5(2);

“local police area”, in relation to a person, means—

(a) the police area in which the person's home address is situated,

(b) in the absence of a home address, the police area in which the home address last notified is situated (whether that notification was in accordance with the requirements imposed by section 9 or in accordance with notification requirements under Part 2 of the Sexual Offences Act 2003), or

(c) in the absence of a home address and of any such notification, the police area in which the ~~magistrates'~~ court which last made a stalking protection order or an interim stalking protection order in respect of the person is situated;

“magistrates' court”, in relation to a defendant under the age of 18, means youth court;

“photograph” includes any process by means of which an image may be produced;

“relevant chief officer of police”, in relation to an application for an order under section 4 or to an appeal under section 7, means—

- (a) the chief officer of police for the area in which the defendant resides,
- (b) a chief officer of police who believes that the defendant is in, or is intending to come to, that chief officer's police area, and
- (c) the chief officer of police who applied for the stalking protection order to which the application or appeal relates;

“stalking protection order” has the meaning given by ~~section 1(1)~~ *section A1(1)*.

(2) In this Act, references to a “risk associated with stalking” are to be read in accordance with section 1(4).

SECTION 80(3) OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 70(2)

Section 80(3): List of circumstances where an order for conditional discharge is not available

(3) But see the following for circumstances where an order for conditional discharge is not available—

(a) section 66ZB(6) of the Crime and Disorder Act 1998 (effect of youth cautions);

(b) section 66F of that Act (youth conditional cautions);

(c) section 103I(4) of the Sexual Offences Act 2003 (breach of sexual harm prevention order and interim sexual harm prevention order etc);

(ca) section 8(4) of the Stalking Protection Act 2019 (breach of a stalking protection order);

(d) section 339(3) (breach of criminal behaviour order);

(da) section 342G(4) (offences relating to a serious violence reduction order);

(e) section 354(5) (breach of sexual harm prevention order);

(ea) section 363G(3) (breach of a stalking protection order);

(f) section 39(6) of the Domestic Abuse Act 2021 (breach of domestic abuse protection order).

SECTION 193 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 105(3)

Section 193: Duty of offender to keep in touch with responsible officer etc

(1) This section applies where a youth rehabilitation order is in force.

(2) The offender—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and

~~(b) must notify the responsible officer of any change of address.~~

(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the youth rehabilitation order,

(ii) each of the offender's telephone numbers and email addresses (if any), and

(iii) any change of address.

(2A) The offender must comply with subsection (2)(b)(i) and (ii) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person first uses that name or obtains that telephone number or email address.

~~(3) This obligation~~ *An obligation under subsection (2) is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.*

(4) This section applies in relation to youth rehabilitation orders made before (as well as those made after) section 105 of the Crime and Policing Act 2025 comes into force.

SECTION 215 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 105(4)

Section 215: Duty of offender to keep in touch with responsible officer etc

(1) This section applies where a community order is in force.

~~(2) The offender must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time.~~

(2) In the case of any community order (whenever the offender was convicted), the offender—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the community order, and

(ii) each of the offender's telephone numbers and email addresses (if any).

(2ZA) The offender must comply with subsection (2)(b) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person first uses that name or obtains that telephone number or email address.

~~(3) This obligation~~ *An obligation under this section is enforceable as if it were a community order requirement of the community order.*

(4) The obligations under subsection (2) apply in relation to community orders made before (as well as those made after) section 105 of the Crime and Policing Act 2025 comes into force.

SECTION 301 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 105(5)

Section 301: Duty of offender to keep in touch with responsible officer etc

(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

~~(2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time.~~

(2) In the case of any suspended sentence order (whenever the offender was convicted) the offender—

(a) must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of—

(i) any name which the offender uses but which is not mentioned in the suspended sentence order,

(ii) each of the offender's telephone numbers and email addresses (if any).

(2ZA) The offender must comply with subsection (2)(b) in relation to a name, telephone number or email address as soon as reasonably practicable after the order is made or the person first uses that name or obtains that telephone number or email address.

~~(3) That obligation~~ *An obligation under this section is enforceable as if it were a community requirement imposed by the suspended sentence order.*

(4) The obligations under subsection (2) apply in relation to suspended sentence orders made before (as well as those made after) section 105 of the Crime and Policing Act 2025 comes into force.

PARAGRAPH 7 OF SCHEDULE 7 OF THE NATIONAL SECURITY ACT 2023 AS AMENDED BY CLAUSE 122(2)

Paragraph 7: Weapons and explosives measure

(1) The Secretary of State may impose on the individual—

(za) a prohibition on possessing things of a specified description;

(zb) a prohibition on possessing things of a specified description without the permission of the Secretary of State;

(a) a prohibition on possessing ~~offensive weapons~~, imitation firearms or explosives;

(b) a prohibition on making an application for a firearm certificate or a shot gun certificate.

(1A) *The descriptions of things which may be specified under sub-paragraph (1)(za) or (zb) are—*

(a) any description of corrosive substances (as defined by section 6 of the Offensive Weapons Act 2019);

(b) any description of motor vehicles;

(c) any description of things made or adapted for use for causing injury to the person;

(d) any other description of things which the Secretary of State reasonably considers could be used for causing injury to the person.

(2) In sub-paragraph (1)(a)—

~~“offensive weapon” means an article made or adapted for use for causing injury to the person, or intended by the person in possession of it for such use (by that person or another);~~

“imitation firearm” has the same meaning as in the Firearms Act 1968 or (in relation to Northern Ireland) the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3));

“explosive” means anything that is—

(a) an explosive within the meaning of the Explosives Act 1875, or

(b) an explosive substance within the meaning of the Explosive Substances Act 1883.

(3) For the purposes of sub-paragraph (1)(b)—

(a) an application for a firearm certificate is an application under section 26A of the Firearms Act 1968 or Article 4 of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3));

(b) an application for a shot gun certificate is an application under section 26B of the Firearms Act 1968.