

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 brought to the House of Lords from 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.

Deletions are shown ~~struck through~~ and additions in *italics*.

Index

Restriction of Offensive Weapons Act 1959 – Section 1

Limitation Act 1980 – Sections 12 and 14B

Police and Criminal Evidence Act 1984 – Sections 37, 38, 63B, and 63C

Child Abduction Act 1984 – Section 1

Public Order Act 1986 – Sections 12, 14, 14ZA, 14A and 16

Crossbows Act 1987 – Section 1

Ministry of Defence Police Act 1987 – Section 4A

Criminal Justice Act 1988 – Sections 40, 141, 141A and 141B

Road Traffic Act 1988 – Sections 28 and 29

Road Traffic Offenders Act 1988 – Sections 23 and 24

Criminal Justice and Public Order Act 1994 – Sections 60 and 60AA

Police Act 1996 – Section 85 and Schedule 6

Criminal Evidence (Northern Ireland) Order 1999 – Articles 5, 21 and 23

Youth Justice and Criminal Evidence Act 1999 – Sections 17, 33 and 35

Terrorism Act 2000 – Sections 13 and 43B

Police Reform Act 2002 – Section 59 and paragraphs 23 to 25 of Schedule 3

Criminal Justice Act 2003 – Section 22

Extradition Act 2003 – Sections 20 and 85

Sexual Offences Act 2003 – Sections 11, 18, 32, 36, 40, 66, 85A, 87(Scotland), 87(Northern Ireland) 91A, 96A and 96B

Drugs Act 2005 – Sections 9, 10, 16, 17 and 19

Armed Forces Act 2006 – Section 238

Government of Wales Act 2006 – Paragraph 11 of Schedule 7B

Safeguarding Vulnerable Groups Act 2006: Paragraph 4(1) of Schedule 3, Paragraphs 1 and 2 of Schedule 4

Offender Management Act 2007 - Section 28

Police Reform and Social Responsibility Act 2011 – Sections 42 and 43

Terrorism Prevention and Investigation Measures Act 2011 – Paragraph 6A of Schedule 1

Anti-social Behaviour, Crime and Policing Act 2014 – Sections 1, 35, 76, 77, 81, 104, 105 and Schedule 4

Counter-Terrorism and Security Act 2015 – Section 44

Serious Crime Act 2015 – Section 69

Offensive Weapons Act 2019 – Section 66(1)

Stalking Protection Act 2019 – Sections 1, 2, 4, 7, 9, 10, 13 and 14

Sentencing Act 2020 – Sections 80, 193, 215 and 301

Police, Crime, Sentencing and Courts Act 2022 – Section 103

National Security Act 2023 – Paragraph 7 of Schedule 7

SECTION 1 OF THE RESTRICTION OF OFFENSIVE WEAPONS ACT 1959 AS AMENDED BY CLAUSE 28(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 4 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 12 OF THE LIMITATION ACT 1980 AS AMENDED BY CLAUSE 82(3)

Section 12: Special time limit for actions under Fatal Accidents legislation.

(1) An action under the Fatal Accidents Act 1976 shall not be brought if the death occurred when the person injured could no longer maintain an action and recover damages in respect of the injury (whether because of a time limit in this Act or in any other Act, or for any other reason).

Where any such action by the injured person would have been barred by the time limit in section 11 11A or 11B of this Act, no account shall be taken of the possibility of that time limit being overridden under section 33 of this Act.

(1A) An action under the Fatal Accidents Act 1976 may not be brought if—

(a) section 11ZA would have applied to an action by the person injured to recover damages in respect of the injury, and

(b) the death occurred after the expiration of the time limit that would have applied but for that section (disregarding the possibility of that time limit being overridden under section 33).

(2) None of the time limits given in the preceding provisions of this Act shall apply to an action under the Fatal Accidents Act 1976, but no such action shall be brought after the expiration of three years from—

(a) the date of death; or

(b) the date of knowledge of the person for whose benefit the action is brought;

whichever is the later.

(3) An action under the Fatal Accidents Act 1976 shall be one to which sections 28, 33, 33B and 35 of this Act apply, and the application to any such action of the time limit under subsection (2) above shall be subject to section 39; but otherwise Parts II and III of this Act shall not apply to any such action.

SECTION 14B OF THE LIMITATION ACT 1980 AS AMENDED BY CLAUSE 82(4)

Section 14B: Overriding time limit for negligence actions not involving personal injuries.

(1) An action for damages for negligence, other than one to which section 11 *or* 11ZA of this Act applies, shall not be brought after the expiration of fifteen years from the date (or, if more than one, from the last of the dates) on which there occurred any act or omission—

(a) which is alleged to constitute negligence; and

(b) to which the damage in respect of which damages are claimed is alleged to be attributable (in whole or in part).

(2) This section bars the right of action in a case to which subsection (1) above applies notwithstanding that—

(a) the cause of action has not yet accrued; or

(b) where section 14A of this Act applies to the action, the date which is for the purposes of that section the starting date for reckoning the period mentioned in subsection (4)(b) of that section has not yet occurred;

before the end of the period of limitation prescribed by this section.

SECTION 37 OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 AS AMENDED BY CLAUSE 142(2)

Section 37: Duties of a 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,

(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.;

“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 142(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 139(2), 141 AND 143

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 139(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 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.~~

~~(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 104(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 by detaining a 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 by detaining a 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 12 OF THE PUBLIC ORDER ACT 1986 AS AMENDED BY CLAUSES 124(2) AND 125(2)

Section 12: Imposing conditions on public processions.

(1) If ~~the~~ a senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that—

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community,

(aa) in the case of a procession in England and Wales, the noise generated by persons taking part in the procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession,

(ab) in the case of a procession in England and Wales—

(i) the noise generated by persons taking part in the procession may have a relevant impact on persons in the vicinity of the procession, and

(ii) that impact may be significant, ~~or~~

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, ~~or~~

(c) in the case of a procession in England and Wales, the procession is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from-

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship,

he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption impact or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.

(2) In subsection (1) “~~the~~ senior police officer” means—

(a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, ~~the most senior in rank of the police officers present at the scene, and—~~

(i) the most senior in rank of the police officers present at the scene, or

(ii) in the case of a procession in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and

(b) in relation to a procession intended to be held in a case where paragraph (a) does not apply, the chief officer of police.

(2A) For the purposes of subsection (1)(a)—

(a) the cases in which a public procession in England and Wales may result in serious disruption to the life of the community include, in particular, where it may, by way of physical obstruction, result in—

- (i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey),
- (ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or
- (iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service,

(b) in considering whether a public procession in England and Wales may result in serious disruption to the life of the community, the senior police officer—

- (i) must take into account all relevant disruption, and
- (ii) may take into account any relevant cumulative disruption, and

(c) “community”, in relation to a public procession in England and Wales, means any group of persons that may be affected by the procession, whether or not all or any of those persons live or work in the vicinity of the procession.

(2B) In subsection (2A) and this subsection—

“access to any essential goods or any essential service” includes, in particular, access to—

- (a) the supply of money, food, water, energy or fuel,
- (b) a system of communication,
- (c) a place of worship,
- (d) a transport facility,
- (e) an educational institution, or
- (f) a service relating to health;

“area”, in relation to a public procession or public assembly, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the procession or assembly;

“relevant cumulative disruption”, in relation to a public procession in England and Wales, means the cumulative disruption to the life of the community resulting from—

- (a) the procession,
- (b) any other public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1) in relation to that other procession), and

(c) any public assembly in England and Wales that was held, is being held or is intended to be held in the same area in which the procession mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 14(1A) in relation to that assembly),

and it does not matter whether or not the procession mentioned in paragraph (a) and any procession or assembly within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time;

“relevant disruption”, in relation to a public procession in England and Wales, means all disruption to the life of the community—

(a) that may result from the procession, or

(b) that may occur regardless of whether the procession is held (including in particular normal traffic congestion);

“time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.

(2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public procession may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the procession include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in a public procession may have a relevant impact on persons in the vicinity of the procession if—

(a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or

(b) it may cause such persons to suffer alarm or distress.

(2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in a public procession may have a significant impact on persons in the vicinity of the procession, the senior police officer must have regard to—

(a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,

(b) the likely duration of that impact on such persons, and

(c) the likely intensity of that impact on such persons.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) Subject to subsection (5A), a person who organises a public procession and... fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) Subject to subsection (5A), a person who takes part in a public procession and... fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5A) A person is guilty of an offence under subsection (4) or (5) only if—

(a) in the case of a public procession in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;

(b) in the case of a public procession in Scotland, the person knowingly fails to comply with the condition.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) [Previously Repealed]

(8) A person guilty of an offence under subsection (4) is liable on summary conviction—

(a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;

(b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction—

(a) in the case of a public procession in England and Wales, to a fine not exceeding level 4 on the standard scale;

(b) in the case of a public procession in Scotland, to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction—

(a) in the case of a public procession in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;

(b) in the case of a public procession in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences:

England and Wales), the references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.

(11) In Scotland this section applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it.

(12) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—

(a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public procession, or

(b) serious disruption to the life of the community.

(13) Regulations under subsection (12) may, in particular, amend any of those subsections for the purposes of—

(a) defining any aspect of an expression mentioned in subsection (12)(a) or (b) for the purposes of this section;

(b) giving examples of cases in which a public procession is or is not to be treated as resulting in—

(i) serious disruption to the activities of an organisation which are carried on in the vicinity of the procession, or

(ii) serious disruption to the life of the community.

(14) Regulations under subsection (12)—

(a) are to be made by statutory instrument;

(b) may apply only in relation to public processions in England and Wales;

(c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

(15) A statutory instrument containing regulations under subsection (12) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

SECTION 14 OF THE PUBLIC ORDER ACT 1986 AS AMENDED BY CLAUSES 124(3) AND 125(3)

Section 14: Imposing conditions on public assemblies.

(1) Subsection (1A) applies if ~~the~~ a senior police officer, having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that—

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community,

(aa) in the case of an assembly in England and Wales, the noise generated by persons taking part in the assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly,

(ab) in the case of an assembly in England and Wales—

(i) the noise generated by persons taking part in the assembly may have a relevant impact on persons in the vicinity of the assembly, and

(ii) that impact may be significant, ~~or~~

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do, ~~or~~

(c) in the case of an assembly in England and Wales, the assembly is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from-

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship.

(1A) The senior police officer may give directions imposing on the persons organising or taking part in the assembly—

(a) in the case of an assembly in England and Wales, such conditions as appear to the officer necessary to prevent the disorder, damage, disruption, impact or intimidation mentioned in subsection (1);

(b) in the case of an assembly in Scotland, such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to the officer necessary to prevent the disorder, damage, disruption or intimidation mentioned in subsection (1)(a) or (b).

(2) In this section “~~the~~ senior police officer” means—

(a) in relation to an assembly being held, ~~the most senior in rank of the police officers present at the scene, an-~~

(i) the most senior rank of the police officers present at the scene, or

(ii) in the case of an assembly in England and Wales, a police officer authorised by a chief officer of police for the purposes of this subsection, and

(b) in relation to an assembly intended to be held, the chief officer of police.

This is subject to subsections (2ZA) and (2ZB).

(2ZA) The reference in subsection (2)(a) to a police officer includes—

(a) a constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;

(b) a member of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

~~(2ZB) The reference in subsection (2)(b) to a chief officer of police includes references in subsection (2) to a chief officer of police include—~~

(a) the chief constable of the British Transport Police Force, in relation to a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003;

(b) the chief constable of the Ministry of Defence Police, in relation to a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

(2A) For the purposes of subsection (1)(a)—

(a) the cases in which a public assembly in England and Wales may result in serious disruption to the life of the community include, in particular, where it may, by way of physical obstruction, result in—

(i) the prevention of, or a hindrance that is more than minor to, the carrying out of day-to-day activities (including in particular the making of a journey),

(ii) the prevention of, or a delay that is more than minor to, the delivery of a time-sensitive product to consumers of that product, or

(iii) the prevention of, or a disruption that is more than minor to, access to any essential goods or any essential service,

(b) in considering whether a public assembly in England and Wales may result in serious disruption to the life of the community, the senior police officer—

(i) must take into account all relevant disruption, and

(ii) may take into account any relevant cumulative disruption, and

(c) “community”, in relation to a public assembly in England and Wales, means any group of persons that may be affected by the assembly, whether or not all or any of those persons live or work in the vicinity of the assembly.

(2B) In subsection (2A) and this subsection—

“access to any essential goods or any essential service” includes, in particular, access to—

(a) the supply of money, food, water, energy or fuel,

- (b) a system of communication,
- (c) a place of worship,
- (d) a transport facility,
- (e) an educational institution, or
- (f) a service relating to health;

“area”, in relation to a public assembly or public procession, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from the assembly or procession;

“relevant cumulative disruption”, in relation to a public assembly in England and Wales, means the cumulative disruption to the life of the community resulting from—

- (a) the assembly,
- (b) any other public assembly in England and Wales that was held, is being held or is intended to be held in the same area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under subsection (1A) in relation to that other assembly), and
- (c) any public procession in England and Wales that was held, is being held or is intended to be held in the same area as the area in which the assembly mentioned in paragraph (a) is being held or is intended to be held (whether or not directions have been given under section 12(1) in relation to that procession),

and it does not matter whether or not the assembly mentioned in paragraph (a) and any assembly or procession within paragraph (b) or (c) are organised by the same person, are attended by any of the same persons or are held or are intended to be held at the same time;

“relevant disruption”, in relation to a public assembly in England and Wales, means all disruption to the life of the community—

- (a) that may result from the assembly, or
- (b) that may occur regardless of whether the assembly is held (including in particular normal traffic congestion);

“time-sensitive product” means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.

(2C) For the purposes of subsection (1)(aa), the cases in which the noise generated by persons taking part in a public assembly may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(2D) For the purposes of subsection (1)(ab)(i), the noise generated by persons taking part in an assembly may have a relevant impact on persons in the vicinity of the assembly if—

(a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or

(b) it may cause such persons to suffer alarm or distress.

(2E) In considering for the purposes of subsection (1)(ab)(ii) whether the noise generated by persons taking part in an assembly may have a significant impact on persons in the vicinity of the assembly, the senior police officer must have regard to—

(a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (2D) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,

(b) the likely duration of that impact on such persons, and

(c) the likely intensity of that impact on such persons.

(3) A direction given... by virtue of subsection (2)(b) or (2ZB) shall be given in writing.

(4) Subject to subsection (5A), a person who organises a public assembly and... fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) Subject to subsection (5A), a person] who takes part in a public assembly and... fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5A) A person is guilty of an offence under subsection (4) or (5) only if—

(a) in the case of a public assembly in England and Wales, at the time the person fails to comply with the condition the person knows or ought to know that the condition has been imposed;

(b) in the case of a public assembly in Scotland, the person knowingly fails to comply with the condition.

(6A) person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) [Previously Repealed]

(8) A person guilty of an offence under subsection (4) is liable on summary conviction—

(a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;

(b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction—

(a) in the case of a public assembly in England and Wales, to a fine not exceeding level 4 on the standard scale;

(b) in the case of a public assembly in Scotland, to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction—

(a) in the case of a public assembly in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both;

(b) in the case of a public assembly in Scotland, to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(10A) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the references in subsections (8)(a) and to (10)(a) to 51 weeks are to be read as references to 6 months.

(11) The Secretary of State may by regulations amend any of subsections (2A) to (2C) for the purposes of making provision about the meaning for the purposes of this section of—

(a) serious disruption to the activities of an organisation which are carried on in the vicinity of a public assembly, or

(b) serious disruption to the life of the community.

(12) Regulations under subsection (11) may, in particular, amend any of those subsections for the purposes of—

(a) defining any aspect of an expression mentioned in subsection (11)(a) or (b) for the purposes of this section;

(b) giving examples of cases in which a public assembly is or is not to be treated as resulting in—

(i) serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly, or

(ii) serious disruption to the life of the community.

(13) Regulations under subsection (11)—

(a) are to be made by statutory instrument;

(b) may apply only in relation to public assemblies in England and Wales;

(c) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.

(14) A statutory instrument containing regulations under subsection (11) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

SECTION 14ZA OF THE PUBLIC ORDER ACT 1986 AS AMENDED BY CLAUSE 125(4)

Section 14ZA: Imposing conditions on one-person protests

(1) Subsection (2) applies if the senior police officer, having regard to the time or place at which and the circumstances in which any one-person protest in England and Wales is being carried on or is intended to be carried on, reasonably believes—

(a) that the noise generated by the person carrying on the protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest, ~~or~~

(b) that—

(i) the noise generated by the person carrying on the protest may have a relevant impact on persons in the vicinity of the protest, and

(ii) that impact may be significant, *or*

(c) the protest is in the vicinity of a place of worship and may intimidate persons of reasonable firmness with the result that those persons are deterred from-

(i) accessing that place of worship for the purpose of carrying out religious activities, or

(ii) carrying out religious activities at that place of worship.

(2) The senior police officer may give directions imposing on the person organising or carrying on the protest such conditions as appear to the officer necessary to prevent such disruption or impact.

(3) Where the one-person protest is moving, or is intended to move, from place to place—

(a) the senior police officer must also have regard under subsection (1) to its route or proposed route, and

(b) the conditions which may be imposed under subsection (2) include conditions as to the route of the protest or prohibiting the person carrying on the protest from entering any public place specified in the direction while the person is carrying it on.

(4) In this section “one-person protest” means a protest which, at any one time, is carried on by one person in a public place.

(5) In this section “the senior police officer” means—

(a) in relation to a one-person protest being held or to a one-person protest intended to be held in a case where a person is in a place with a view to carrying on such a protest, the most senior in rank of the police officers present at the scene, and

(b) in relation to a one-person protest intended to be held in a case where paragraph (a) does not apply, the chief officer of police.

This is subject to subsections (5A) and (5B).

(5A) The reference in subsection (5)(a) to a police officer includes—

(a) a constable of the British Transport Police Force, in relation to a one-person protest—

(i) being held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or

(ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest;

(b) a member of the Ministry of Defence Police, in relation to a one-person protest—

(i) being held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, or

(ii) intended to be held at a place within sub-paragraph (i) in a case where a person is in that place with a view to carrying on such a protest.

(5B) The reference in subsection (5)(b) to a chief officer of police includes—

(a) the chief constable of the British Transport Police Force, in relation to a one-person protest intended to be held at a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, other than a one-person protest within subsection (5A)(a)(ii);

(b) the chief constable of the Ministry of Defence Police, in relation to a one-person protest intended to be held at a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, other than a one-person protest within subsection (5A)(b)(ii).

(6) For the purposes of subsection (1)(a), the cases in which the noise generated by a person taking part in a one-person protest may result in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest include, in particular, where it may result in persons connected with the organisation not being reasonably able, for a prolonged period of time, to carry on in that vicinity the activities or any one of them.

(7) For the purposes of subsection (1)(b)(i), the noise generated by a person carrying on a one-person protest may have a relevant impact on persons in the vicinity of the protest if—

(a) it may result in the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or

(b) it may cause such persons to suffer alarm or distress.

(8) In considering for the purposes of subsection (1)(b)(ii) whether the noise generated by a person carrying on a one-person protest may have a significant impact on persons in the vicinity of the protest, the senior police officer must have regard to—

(a) the likely number of persons of the kind mentioned in paragraph (a) of subsection (7) who may experience an impact of the kind mentioned in paragraph (a) or (b) of that subsection,

(b) the likely duration of that impact on such persons, and

- (c) the likely intensity of that impact on such persons.
- (9) A direction given ... by virtue of subsection (5)(b) or (5B) must be given in writing.
- (10) A person ("P") is guilty of an offence if—
- (a) P organises or carries on a one-person protest,
 - (b) P fails to comply with a condition imposed under this section, and
 - (c) at the time P fails to comply with the condition, P knows or ought to know that the condition has been imposed.
- (11) It is a defence for a person charged with an offence under subsection (10) to prove that the failure arose from circumstances beyond the person's control.
- (12) A person who incites another to commit an offence under subsection (10) is guilty of an offence.
- (13) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (14) A person guilty of an offence under subsection (12) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 4 on the standard scale or both.
- (15) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (14) to 51 weeks is to be read as a reference to 6 months.
- (16) The Secretary of State may by regulations amend subsection (6) for the purposes of making provision about the meaning for the purposes of this section of serious disruption to the activities of an organisation which are carried on in the vicinity of a one-person protest.
- (17) Regulations under subsection (16) may, in particular, amend that subsection for the purposes of—
- (a) defining any aspect of that expression for the purposes of this section;
 - (b) giving examples of cases in which a one-person protest is or is not to be treated as resulting in serious disruption to the activities of an organisation which are carried on in the vicinity of the protest.
- (18) Regulations under subsection (16)—
- (a) are to be made by statutory instrument;
 - (b) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this Part.
- (19) A statutory instrument containing regulations under subsection (16) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

SECTION 14A OF THE PUBLIC ORDER ACT 1986 AS AMENDED BY CLAUSE 126(2)

Section 14A: Prohibiting trespassory assemblies

(1) If at any time the chief officer of police reasonably believes that an assembly is intended to be held in any district at a place on land to which the public has no right of access or only a limited right of access and that the assembly—

(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result—

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may apply to the council of the district for an order prohibiting for a specified period the holding of all trespassory assemblies in the district or a part of it, as specified.

(2) On receiving such an application, a council may—

(a) in England and Wales, with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State; or

(b) in Scotland, make an order in the terms of the application.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that an assembly is intended to be held at a place on land to which the public has no right of access or only a limited right of access in his police area and that the assembly—

(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result—

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in the area or a part of it, as specified.

(4A) Subsection (4D) applies if at any time the chief constable of the British Transport Police Force reasonably believes that—

- (a) an assembly is intended to be held at a place—
 - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, and
 - (ii) on land to which the public has no right of access or only a limited right of access, and
 - (b) the conditions in subsections (4B) and (4C) are met.
- (4B) The condition in this subsection is that the assembly is likely—
- (a) to be held without the permission of the occupier of the land, or
 - (b) to conduct itself in such a way as to exceed—
 - (i) the limits of any permission of the occupier, or
 - (ii) the limits of the public's right of access.
- (4C) The condition in this subsection is that the assembly may result—
- (a) in serious disruption to the provision of railway services (within the meaning of Part 3 of the Railways and Transport Safety Act 2003),
 - (b) in serious disruption to the life of the community, or
 - (c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.
- (4D) Where this subsection applies, the chief constable of the British Transport Police Force may with the consent of the relevant national authority make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.
- (4E) An area specified in an order under subsection (4D) must comprise only—
- (a) the place mentioned in subsection (4A)(a), or
 - (b) that place together with any place—
 - (i) within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003, or
 - (ii) where an assembly could affect a railway within the meaning of Part 3 of that Act or anything occurring on or in relation to such a railway.
- (4F) In subsection (4D) “the relevant national authority” means—
- (a) in relation to an area in England and Wales, the Secretary of State;
 - (b) in relation to an area in Scotland, the Scottish Ministers.
- (4G) Subsection (4J) applies if at any time the chief constable of the Ministry of Defence Police reasonably believes that—
- (a) an assembly is intended to be held at a place—
 - (i) to which section 2(2) of the Ministry of Defence Police Act 1987 applies, and

(ii) on land to which the public has no right of access or only a limited right of access, and

(b) the conditions in subsections (4H) and (4I) are met.

(4H) The condition in this subsection is that the assembly is likely—

(a) to be held without the permission of the occupier of the land, or

(b) to conduct itself in such a way as to exceed—

(i) the limits of any permission of the occupier, or

(ii) the limits of the public's right of access.

(4I) The condition in this subsection is that the assembly may result—

(a) in serious disruption to the use for a defence purpose of—

(i) a place within section 2(2)(a) to (c) of the Ministry of Defence Police Act 1987,

(ii) a place within section 4(1) of the Atomic Weapons Establishment Act 1991, or

(iii) in relation to a time after the coming into force of section 5 of the Defence Reform Act 2014, a place within subsection (1) of that section,

(b) in serious disruption to the life of the community, or

(c) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument.

(4J) Where this subsection applies, the chief constable of the Ministry of Defence Police may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in a specified area.

(4K) An area specified in an order under subsection (4J) which is not made in reliance on subsection (4I)(a) must comprise only one or more places to which section 2(2) of the Ministry of Defence Police Act 1987 applies.

(5) An order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which—

(a) is held on land to which the public has no right of access or only a limited right of access, and

(b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access.

(6) No order under this section shall prohibit the holding of assemblies for a period exceeding 4 days or in an area exceeding an area represented by a circle with a radius of 5 miles from a specified centre.

(7) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsection (1) and (2), subsection (4), subsection (4D) or subsection (4J)], as the case may be.

(8) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(9) In this section and sections 14B and 14C—

“assembly” means an assembly of 20 or more persons;

“land” means land *except in subsections (4A) to (4C) of this section* in the open air;

“limited”, in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions;

“occupier” means—

(a) in England and Wales, the person entitled to possession of the land by virtue of an estate or interest held by him; or

(b) in Scotland, the person lawfully entitled to natural possession of the land,

and in subsections (1), (4), (4B) and (4H) includes the person reasonably believed by the authority applying for or making the order to be the occupier;

“public” includes a section of the public; and

“specified” means specified in an order under this section.

(9A) In relation to Scotland, the references in this section to the public’s rights (or limited right) of access do not include any right which the public or any member of the public may have by way of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2).

(10) In relation to Scotland, the references in subsection (1) above to a district and to the council of the district shall be construed—

(a) as respects applications before 1st April 1996, as references to the area of a regional or islands authority and to the authority in question; and

(b) as respects applications on and after that date, as references to a local government area and to the council for that area.

(11) In relation to Wales, the references in subsection (1) above to a district and to the council of the district shall be construed, as respects applications on and after 1st April 1996, as references to a county or county borough and to the council for that county or county borough.

SECTION 16 OF THE PUBLIC ORDER ACT 1986 AS AMENDED BY CLAUSE 126(3)

Section 16: Interpretation.

In this Part—

“the City of London” means the City as defined for the purposes of the Acts relating to the City of London police;

“the metropolitan police district” means that district as defined in section 76 of the London Government Act 1963;

“public assembly” means an assembly of 2 or more persons in a public place which is ~~wholly or partly open to the air~~;

(a) wholly or partly open to the air, or

(b) within any of the paragraphs (a) to (f) of section 31(1) of the Railways and Transport Safety Act 2003;

“public place” means—

(a) any highway, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984, and

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“public procession” means a procession in a public place.

SECTION 1 OF THE CROSSBOWS ACT 1987 AS AMENDMENT BY CLAUSE 33(2)

Section 1: Sale and letting on hire

A person who sells or lets on hire a crossbow or a part of a crossbow to a person under the age of eighteen is guilty of an offence, ~~unless he believes him to be eighteen years of age or older and has reasonable ground for the belief.~~

SECTION 4A OF THE MINISTRY OF DEFENCE POLICE ACT 1987 AS AMENDED BY CLAUSE 156(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 37(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 28(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 28(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 141B OF THE CRIMINAL JUSTICE ACT 1988 AS AMENDED BY CLAUSE 31

Section 141B: Limitations on defence to offence under section 141A: England and Wales

(1) This section applies if—

(a) a person (“the seller”) is charged with an offence under section 141A (sale of bladed articles to persons under 18), and

(b) the seller was not in the presence of the person (“the buyer”) to whom the article to which the charge relates was sold at the time of the sale.

(2) For the purposes of subsection (1)(b) the seller was not in the presence of the buyer at the time of the sale if—

(a) where the seller is an individual, the seller or a person acting on the seller's behalf was not in the presence of the buyer at that time;

(b) where the seller is not an individual, a person acting on the seller's behalf was not in the presence of the buyer at that time.

(3) The seller is not to be regarded as having proved that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence unless, as a minimum, they prove that the following conditions are met.

~~(4) Condition A is that, at the time the offence is alleged to have been committed—~~

~~(a) the seller operated a system for checking that persons who bought articles to which section 141A applied by the same or a similar method of purchase to that used by the buyer were not under the age of 18, and~~

~~(b) that system was likely to prevent persons under the age of 18 from buying such articles by that method.~~

(4) Condition A is that before the sale-

(a) the seller obtained from the buyer-

(i) a copy of an identity document issued to the buyer, and

(ii) a photograph of the buyer, and

(b) on the basis of the things obtained under paragraph (a), a reasonable person would have been satisfied that the buyer was aged 18 or over.

(4A) For the purposes of subsection (4) an “identity document” means-

(a) a United Kingdom passport (within the meaning of the Immigration Act 1971);

(b) a passport issued by or on behalf of the authorities of a country to territory outside the United Kingdom or by or on behalf of an international organisation;

(c) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981 / 154 (N.I. 1));

(d) any other document specified in regulations made by the Secretary of State.

(5) Condition B is that when the package containing the article was dispatched by the seller, it was clearly marked to indicate—

(a) that it contained an article with a blade or which was sharply pointed (as the case may be), and

(b) that, when finally delivered, it should only be delivered into the hands of a ~~person aged 18 or over~~ *the buyer*.

(6) Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a ~~person aged 18 or over~~ *the buyer*.

(7) Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

(8) Where the article to which section 141A applied was dispatched by the seller to a place from which it was to be collected by the buyer ~~or a person acting on behalf of the buyer~~, references in subsections (5) and (6) to the final delivery of the article are to be read as its supply to the buyer ~~or a person acting on behalf of the buyer~~ from that place.

(9) In subsection (7) “locker” means a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer.

(10) Regulations made by the Secretary of State under this section are to be made by statutory instrument.

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

SECTION 28 OF THE ROAD TRAFFIC ACT 1988 AS AMENDED BY CLAUSE 106(3)

Section 28: Dangerous cycling.

(1) A person who rides a cycle ~~on a road~~ *dangerously on a road or other public place* is guilty of an offence.

~~(2) For the purposes of subsection (1) above a person is to be regarded as riding dangerously if (and only if) —~~

~~(a) the way he rides falls far below what would be expected of a competent and careful cyclist, and~~

~~(b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.~~

~~(3) In subsection (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.~~

SECTION 29 OF THE ROAD TRAFFICE ACT 1988 AS AMENDED BY CLAUSE 106(5)

Section 29: Careless, and inconsiderate, cycling.

If a person rides a cycle on a road *or other public place* without due care and attention, or without reasonable consideration for other persons using the road *or place*, he is guilty of an offence.

SECTION 23 OF THE ROAD TRAFFIC OFFENDERS ACT 1988 AS AMENDED BY CLAUSE 106(8)

Section 23: Alternative verdicts in Scotland.

(1) If on the trial on indictment in Scotland of a person for culpable homicide in connection with the driving of a mechanically propelled vehicle *or the riding of a cycle*, by him the jury are not satisfied that he is guilty of culpable homicide but are satisfied that he is guilty of any of the relevant offences, they may find him guilty of that offence.

(1A) For the purposes of subsection (1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

(aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),

(b) an offence under section 2 of that Act (dangerous driving), ~~and~~

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).

(d) an offence under section 27A of that Act (causing death by dangerous cycling), and

(e) an offence under section 27B of that Act (causing serious injury by dangerous cycling).

(2) [Previously Repealed]

(3) If on the trial on indictment in Scotland of a person for stealing a motor vehicle the jury are not satisfied that he is guilty of stealing the motor vehicle but are satisfied that he is guilty of an offence under section 178 of that Act (taking motor vehicle without authority etc.), they may find him guilty of an offence under that section.

SECTION 24 OF THE ROAD TRAFFIC OFFENDERS ACT 1988 AS AMENDED BY CLAUSE 106(9)

Section 24: Alternative verdicts: general.

(A1) Where—

(a) a person charged with manslaughter in connection with the driving of a mechanically propelled vehicle *or the riding of a cycle*, by him is found not guilty of that offence, but

(b) the allegations in the indictment amount to or include an allegation of any of the relevant offences,

he may be convicted of that offence.

(A2) For the purposes of subsection (A1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

(aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),

(b) an offence under section 2 of that Act (dangerous driving),

(ba) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers),

(bb) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers),

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs), ~~and~~

(ca) an offence under section 27A of that Act (causing death by dangerous cycling), and

(cb) an offence under section 27B of that Act (causing serious injury by dangerous cycling), and

(d) an offence under section 35 of the Offences against the Person Act 1861 (furious driving).

(1) Where—

(a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but

(b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

Offence charged

Section 1 (causing death by dangerous driving)

Section 1A (causing serious injury by dangerous driving)

Section 2 (dangerous driving)

Section 2B (causing death by careless, or inconsiderate, driving)

Section 2C (causing serious injury by careless, or inconsiderate, driving)

Section 3ZC (causing death by driving: disqualified drivers)

Section 3ZD (causing serious injury by driving: disqualified drivers)

Section 3A (causing death by careless driving when under the influence of drink or drugs)

Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)

Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)

Section 5A(1)(a) (driving or attempting to drive with concentration of specified controlled drug above specified limit)

Section 27A (causing death by dangerous cycling)

Alternative

Section 2 (dangerous driving)

Section 2B (causing death by careless, or inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 2 (dangerous driving), Section 2C (causing serious injury by careless, or inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 103(1)(b) (driving whilst disqualified)

Section 103(1)(b) (driving whilst disqualified)

Section 2B (causing death by careless, or inconsiderate, driving)

Section 3 (careless, and inconsiderate, driving)

Section 4(1) (driving when unfit to drive through drink or drugs)

Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)

Section 7(6) (failing to provide specimen)

Section 7A(6) (failing to give permission for laboratory test)

Section 4(2) (being in charge of a vehicle when unfit to drive through drink or drugs)

Section 5(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)

Section 5A(1)(b) and (2) (being in charge of a vehicle with concentration of specified controlled drug above specified limit)

Section 28 (dangerous cycling)

Section 28B (causing death by careless, or inconsiderate, cycling)

Section 29 (careless, and inconsiderate, cycling)

Section 27B (causing serious injury by dangerous cycling)

Section 28 (dangerous cycling)

Section 28B (causing death by careless, or inconsiderate, cycling)

Section 29 (careless, and inconsiderate, cycling)

Section 28 (dangerous cycling)

Section 29 (careless, and inconsiderate, cycling)

Section 28B (causing death by careless, or inconsiderate, cycling)

Section 29 (careless, and inconsiderate, cycling)

Section 28C (causing serious injury by careless, or inconsiderate, cycling)

Section 29 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under section 4(1), 5(1)(a) or 5A(1)(a) and (2) of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.

(5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.

(6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), sections 295, 138(4), 256 and 293 of and Schedule 3 to the Criminal Procedure (Scotland) Act 1995 and section 23 of this Act.

SECTION 60 OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 AS AMENDED BY CLAUSE 126(5)

Section 60: Powers to stop and search in anticipation of, or after violence.

(1) If a police officer of or above the rank of inspector reasonably believes—

(a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence,

(aa) that—

(i) an incident involving serious violence has taken place in England and Wales in his police area;

(ii) a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and

(iii) it is expedient to give an authorisation under this section to find the instrument or weapon; or

(b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason,

he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.

(2) [Previously Repealed]

(3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation, he may direct that the authorisation shall continue in being for a further 24 hours.

(3A) If an inspector gives an authorisation under subsection (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.

(4) This section confers on any constable in uniform power—

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

(4A) [Previously Repealed]

(5) A constable may, in the exercise of the powers conferred by subsection (4) above, stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

(6) If in the course of a search under this section a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(7) This section applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

(8) A person who fails

(a) to stop, or to stop a vehicle; . . .

(b) [Previously Repealed]

when required to do so by a constable in the exercise of his powers under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(9) Subject to subsection (9ZA), any authorisation under this section shall be in writing signed by the officer giving it and shall specify the grounds on which it is given and the locality in which and the period during which the powers conferred by this section are exercisable and a direction under subsection (3) above shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(9ZA) An authorisation under subsection (1)(aa) need not be given in writing where it is not practicable to do so but any oral authorisation must state the matters which would otherwise have to be specified under subsection (9) and must be recorded in writing as soon as it is practicable to do so.

(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to a place in England and Wales] specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 and as if the reference in subsection (1)(aa)(i) above to his police area were a reference to any place falling within section 31(1)(a) to (f) of the Act of 2003.

(9B) So far as they relate to an authorisation by a member of the Ministry of Defence Police-

(a) subsections (1) and (9) have effect as if the references to a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Police Act 1987, and

(b) subsection (1)(aa)(i) has effect as if the reference to a police area were a reference to the places in England and Wales specified in section 2(2) of the Ministry of Defence Police Act 1987.

(10) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped . . .

(10A) A person who is searched by a constable under this section shall be entitled to obtain a written statement that he was searched under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which he was searched.

(11) In this section—

...

“dangerous instruments” means instruments which have a blade or are sharply pointed;

“offensive weapon” has the meaning given by section 1(9) of the Police and Criminal Evidence Act 1984 or, in relation to Scotland, section 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995; but in subsections (1)(aa), (4), (5) and (6) above and subsection (11A) below includes, in the case of an incident of the kind mentioned in subsection (1)(aa)(i) above, any article used in the incident to cause or threaten injury to any person or otherwise to intimidate; and

“vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.

(11A) For the purposes of this section, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(12) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.

SECTION 60AA OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994 AS AMENDED BY CLAUSE 126(6)

Section 60AA: powers to require removal of disguises

(1) Where—

(a) an authorisation under section 60 is for the time being in force in relation to any locality for any period, or

(b) an authorisation under subsection (3) that the powers conferred by subsection (2) shall be exercisable at any place in a locality is in force for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

(2) This subsection confers power on any constable in uniform—

(a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;

(b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.

(3) If a police officer of or above the rank of inspector reasonably believes—

(a) that activities may take place in any locality in his police area that are likely (if they take place) to involve the commission of offences, and

(b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this subsection,

he may give an authorisation that the powers conferred by this section shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

(5) If an inspector gives an authorisation under subsection (3), he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.

(6) Any authorisation under this section—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this section are exercisable;

(iii) the period during which those powers are exercisable;

and a direction under subsection (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(6) Subject to subsection (6A), an authorisation under subsection (3)—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this section are exercisable; and

(iii) the period during which those powers are exercisable.

(6A) An authorisation under subsection (3) need not be given in writing where it is not practicable to do so but any oral authorisation—

(a) must state the matters which would otherwise have to be specified under subsection (6); and

(b) must be recorded in writing as soon as it is practicable to do so.

(6B) A direction under subsection (4) shall be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.】

(7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

~~(8) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if references to a locality or to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.~~

(8) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the British Transport Police Force, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.

(8A) So far as subsections (1), (3) and (6) relate to an authorisation by a member of the Ministry of Defence Police, those subsections have effect as if the references to a locality or a locality in a police area were references to a place in England and Wales among those specified in section 2(2) of the Ministry of Defence Act 1987.

(9) In this section “British Transport Police Force” and “policed premises” each has the same meaning as in section 60.

(10) The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.

(11) This section does not extend to Scotland.

SECTION 85 OF THE POLICE ACT 1996 AS AMENDED BY CLAUSE 156(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 156

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.

**ARTICLE 5 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
AS AMENDED BY CLAUSE 62(2)(a)**

**Article 5: Witnesses eligible for assistance on grounds of fear or distress about
testifying**

(1) For the purposes of this Part a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this paragraph if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.

(2) In determining whether a witness falls within paragraph (1) the court must take into account, in particular—

(a) the nature and alleged circumstances of the offence to which the proceedings relate;

(b) the age of the witness;

(c) such of the following matters as appear to the court to be relevant, namely—

(i) the social and cultural background and ethnic origins of the witness,

(ii) the domestic and employment circumstances of the witness, and

(iii) any religious beliefs or political opinions of the witness;

(d) any behaviour towards the witness on the part of—

(i) the accused,

(ii) members of the family or associates of the accused, or

(iii) any other person who is likely to be an accused or a witness in the proceedings.

(3) In determining that question the court must in addition consider any views expressed by the witness.

(4) Where the complainant in respect of an offence listed in paragraph (5) is a witness in proceedings relating to that offence (or to that offence and any other offences), the witness is eligible for assistance in relation to those proceedings by virtue of this paragraph unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this paragraph.

(5) The offences are—

(a) a sexual offence,

- (b) a slavery or human trafficking offence,
- (c) an offence involving domestic abuse (see Article 3A).
- (d) an offence under section 1 of the Protection from Stalking Act (Northern Ireland) 2021.
- (e) an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation);*
- (f) an offence under section 56 of that Act (controlling another's home for criminal purposes),*

**ARTICLE 21 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
AS AMENDED BY CLAUSE 62(2)(b)**

Article 21: Interpretation etc. of Part III

(1) In this Part—

“eligible witness” means a witness eligible for assistance by virtue of Article 4 or 5;

“live link” has the meaning given by Article 12(6);

“quality”, in relation to the evidence of a witness, shall be construed in accordance with Article 4(5);

“special measures direction” means (in accordance with Article 7(5)) a direction under Article 7.

(2) In this Part references to the special measures available in relation to a witness shall be construed in accordance with Article 6.

(3) In this Part references to a person being able to see or hear, or be seen or heard by, another person are to be read as not applying to the extent that either of them is unable to see or hear by reason of any impairment of eyesight or hearing.

(4) In the case of any proceedings in which there is more than one accused—

(a) any reference to the accused in Articles 11 to 16 may be taken by a court, in connection with the giving of a special measures direction, as a reference to all or any of the accused, as the court may determine, and

(b) any such direction may be given on the basis of any such determination.

(5) For the purposes of this Part as it applies in relation to a witness who is the complainant in respect of ~~a slavery or human trafficking offence~~, -

(a) a slavery or human trafficking offence,

(b) an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation)

(c) an offence under section 56 of that Act (controlling another’s home for criminal purposes),

where the age of the witness is uncertain and there are reasons to believe that the witness is under the age of 18, that witness is presumed to be under the age of 18.

**ARTICLE 23 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
AS AMENDED BY CLAUSE 62(3)**

Article 23: Child complainants and other child witnesses

(1) No person charged with an offence to which this Article applies may in any criminal proceedings cross-examine in person a protected witness, either—

(a) in connection with that offence, or

(b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.

(2) For the purposes of paragraph (1) a “protected witness” is a witness who—

(a) either is the complainant or is alleged to have been a witness to the commission of the offence to which this Article applies, and

(b) either is a child or falls to be cross-examined after giving evidence in chief (whether wholly or in part)—

(i) by means of a video recording made (for the purposes of Article 15) at a time when the witness was a child, or

(ii) in any other way at any such time.

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

(a) a sexual offence within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998;

(b) a violent offence within the meaning of that Order;

(c) kidnapping, false imprisonment, or an offence under Article 3 or 4 of the Child Abduction (Northern Ireland) Order 1985;;

(cc) a slavery or human trafficking offence;

(cd) an offence involving domestic abuse (see Article 3A);

(ce) an offence under section 1 of the Protection from Stalking Act (Northern Ireland) 2021;

(cf) an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation),

(cg) an offence under section 56 of that Act (controlling another’s home for criminal purposes),

(d) any offence (not within any of the preceding sub-paragraphs) which involves an assault on, or injury or a threat of injury to, any person.

(4) In this Article “child” means—

(a) ~~where the offence falls within paragraph (3)(a), (cc), (cd) or (ce) except in a case mentioned in sub-paragraph (b)~~, a person under the age of 18; or

(b) where the offence falls within paragraph (3)(b), (c) or (d), a person under the age of 14.

(5) For the purposes of this Article “witness” includes a witness who is charged with an offence in the proceedings.

SECTION 17 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999 AS AMENDED BY CLAUSE 62(1)(a)

Section 17: Witness eligible for assistance on grounds of fear or distress about testifying

(1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this subsection if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.

(2) In determining whether a witness falls within subsection (1) the court must take into account, in particular—

(a) the nature and alleged circumstances of the offence to which the proceedings relate;

(b) the age of the witness;

(c) such of the following matters as appear to the court to be relevant, namely—

(i) the social and cultural background and ethnic origins of the witness,

(ii) the domestic and employment circumstances of the witness, and

(iii) any religious beliefs or political opinions of the witness;

(d) any behaviour towards the witness on the part of—

(i) the accused,

(ii) members of the family or associates of the accused, or

(iii) any other person who is likely to be an accused or a witness in the proceedings.

(3) In determining that question the court must in addition consider any views expressed by the witness.

(4) Where the complainant in respect of a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015 an offence listed in subsection (4A) is a witness in proceedings relating to that offence (or to that offence and any other offences), the witness is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness' wish not to be so eligible by virtue of this subsection.

(4A) The offences are—

(a) a sexual offence;

(b) an offence under section 1 or 2 of the Modern Slavery Act 2015;

(ba) an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation);

(bb) an offence under section 56 of that Act (controlling another's home for criminal purposes);

(bc) an offence under section 59 of that Act (causing internal concealment of an item for criminal purposes);

(c) any other offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act).

(5) A witness in proceedings relating to a relevant offence (or to a relevant offence and any other offences) is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this subsection.

(6) For the purposes of subsection (5) an offence is a relevant offence if it is an offence described in Schedule 1A.

(7) The Secretary of State may by order amend Schedule 1A.

SECTION 33 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999 AS AMENDED BY CLAUSE 62(1)(b)

Section 33: Interpretation etc. of Chapter I.

(1) In this Chapter—

“eligible witness” means a witness eligible for assistance by virtue of section 16 or 17;

“live link” has the meaning given by section 24(8);

“quality”, in relation to the evidence of a witness, shall be construed in accordance with section 16(5);

“special measures direction” means (in accordance with section 19(5)) a direction under section 19.

(2) In this Chapter references to the special measures available in relation to a witness shall be construed in accordance with section 18.

(3) In this Chapter references to a person being able to see or hear, or be seen or heard by, another person are to be read as not applying to the extent that either of them is unable to see or hear by reason of any impairment of eyesight or hearing.

(4) In the case of any proceedings in which there is more than one accused—

(a) any reference to the accused in sections 23 to 28 may be taken by a court, in connection with the giving of a special measures direction, as a reference to all or any of the accused, as the court may determine, and

(b) any such direction may be given on the basis of any such determination.

(5) For the purposes of this Chapter as it applies in relation to a witness who is the complainant in respect of a relevant offence, where the age of the witness is uncertain and there are reasons to believe that the witness is under the age of 18, that witness is presumed to be under the age of 18.

(6) In subsection (5) “relevant offence” means—

(a) a sexual offence;

(b) an offence under section 1 of the Protection of Children Act 1978;

(c) an offence under section 160 of the Criminal Justice Act 1988;

(d) an offence under section 1 or 2 of the Modern Slavery Act 2015,

(e) *an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation)*;

(f) an offence under section 56 of that Act (controlling another's home for criminal purposes);

(g) an offence under section 59 of that Act (causing internal concealment of an item for criminal purposes);

SECTION 35 OF THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999 AS AMENDED BY CLAUSE 62(1)(c)

Section 35: Child complainants and other child witnesses.

(1) No person charged with an offence to which this section applies may in any criminal proceedings cross-examine in person a protected witness, either—

(a) in connection with that offence, or

(b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.

(2) For the purposes of subsection (1) a “protected witness” is a witness who—

(a) either is the complainant or is alleged to have been a witness to the commission of the offence to which this section applies, and

(b) either is a child or falls to be cross-examined after giving evidence in chief (whether wholly or in part)—

(i) by means of a video recording made (for the purposes of section 27) at a time when the witness was a child, or

(ii) in any other way at any such time.

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

(a) any offence under—

(aa) an offence under section 40 of the Crime and Policing Act 2025 (child criminal exploitation);

(ab) an offence under section 56 of that Act (controlling another’s home for criminal purposes);

(ac) an offence under section 59 of that Act (causing internal concealment of an item for criminal purposes);

(i)[Previously Repealed]

(ii) [Previously Repealed]

(iii) [Previously Repealed]

(iv) [Previously Repealed]

(iva) any of sections 33 to 36 of the Sexual Offences Act 1956,

(v) the Protection of Children Act 1978; ...

(vi) Part 1 of the Sexual Offences Act 2003 or any relevant superseded enactment; or

(vii) sections 1 and 2 of the Modern Slavery Act 2015;

(b) kidnapping, false imprisonment or an offence under section 1 or 2 of the Child Abduction Act 1984;

(c) any offence under section 1 of the Children and Young Persons Act 1933;

(d) any offence (not within any of the preceding paragraphs) which involves an assault on, or injury or a threat of injury to, any person.

(3A) In subsection (3)(a)(vi) “relevant superseded enactment” means—

(a) any of sections 1 to 32 of the Sexual Offences Act 1956;

(b) the Indecency with Children Act 1960;

(c) the Sexual Offences Act 1967;

(d) section 54 of the Criminal Law Act 1977.

(4) In this section “child” means—

(a) where the offence falls within subsection (3)(a), a person under the age of 18; or

(b) where the offence falls within subsection (3)(b), (c) or (d), a person under the age of 14.

(5) For the purposes of this section “witness” includes a witness who is charged with an offence in the proceedings.

SECTION 13 OF THE TERRORISM ACT 2000 AS AMENDED BY CLAUSE 185

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 the evidence -
 - (i) being concealed, lost, altered or destroyed,*
 - (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 186(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 2003section 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 150**

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 22 OF THE CRIMINAL JUSTICE ACT 2003 AS AMENDED BY CLAUSE 144(1)

Section 22: Conditional cautions

(1) An authorised person may give a conditional caution to a person aged 18 or over (“the offender”) if each of the five requirements in section 23 is satisfied.

(2) In this Part “conditional caution” means a caution which is given in respect of an offence committed by the offender and which has conditions attached to it with which the offender must comply.

(3) The conditions which may be attached to any conditional caution are those which have one or more of the following objects—

- (a) facilitating the rehabilitation of the offender;
- (b) ensuring that the offender makes reparation for the offence;
- (c) punishing the offender.

(3A) The conditions which may be attached to a conditional caution include—

- (a) (subject to section 23A) a condition that the offender pay a financial penalty;
- (b) a condition that the offender attend at a specified place at specified times.

“Specified” means specified in the condition.

(3B) Conditions attached by virtue of subsection (3A)(b) may not require the offender to attend for more than 20 hours in total, not including any attendance required by conditions attached for the purpose of facilitating the offender's rehabilitation.

(3C) The Secretary of State may by order amend subsection (3B) by substituting a different figure.

(3D) A conditional caution given to a relevant foreign offender may have conditions attached to it that have one or more of the objects mentioned in subsection (3E) (whether or not in addition to conditions with one or more of the objects mentioned in subsection (3)).

(3E) The objects are—

- (a) bringing about the departure of the relevant foreign offender from the United Kingdom;
- (b) ensuring that the relevant foreign offender does not return to the United Kingdom for a period of time.

(3F) If a relevant foreign offender is given a conditional caution with a condition attached to it with the object of ensuring that the offender does not return to the United Kingdom for a period of time, the expiry of that period does not of itself give rise to any right on the part of the offender to return to the United Kingdom.

(3G) In this section “relevant foreign offender” means—

(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),

(a) an offender directions for whose removal from the United Kingdom have been, or may be, given under—

- (i) Schedule 2 to the Immigration Act 1971, or

- (ii) section 10 of the Immigration and Asylum Act 1999, or
 - (b) an offender against whom a deportation order under section 5 of the Immigration Act 1971 is in force.
- (4) In this Part “authorised person” means—
 - (a) a constable,
 - (b) an investigating officer, or
 - (c) a person authorised by a relevant prosecutor for the purposes of this section.

SECTION 20 OF THE EXTRADITION ACT 2003 AS AMENDED BY CLAUSE 195(2)

Section 20: Case where person has been convicted

(1) If the judge is required to proceed under this section (by virtue of section 11) he must decide whether the person was convicted in his presence.

(2) If the judge decides the question in subsection (1) in the affirmative he must proceed under section 21.

(3) If the judge decides that question in the negative he must decide whether the person deliberately absented himself from his trial.

(4) If the judge decides the question in subsection (3) in the affirmative he must proceed under section 21.

(5) If the judge decides that question in the negative he must decide whether ~~the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.~~
any of the following applies-

(a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;

(b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;

(c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;

(d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.

(6) If the judge decides the question in subsection (5) in the affirmative he must proceed under section 21.

(7) If the judge decides that question in the negative he must order the person's discharge.

(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.

(8) The judge must not decide the question in subsection (5) in the affirmative unless, in any proceedings that it is alleged would constitute *(or would have constituted)* a retrial or a review amounting to a retrial, the person would have *(or would have had)* these rights—

(a) the right to defend himself in person or through legal assistance of his own choosing or, if he had not sufficient means to pay for legal assistance, to be given it free when the interests of justice so required;

(b) the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

SECTION 85 OF THE EXTRADITION ACT 2003 AS AMENDED BY CLAUSE 195(3)

Section 85: Case where person has been convicted

(1) If the judge is required to proceed under this section he must decide whether the person was convicted in his presence.

(2) If the judge decides the question in subsection (1) in the affirmative he must proceed under section 87.

(3) If the judge decides that question in the negative he must decide whether the person deliberately absented himself from his trial.

(4) If the judge decides the question in subsection (3) in the affirmative he must proceed under section 87.

(5) If the judge decides that question in the negative he must decide ~~whether the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial.~~
any of the following applies-

(a) the person would be entitled to a retrial or (on appeal) to a review amounting to a retrial;

(b) the person would be so entitled unless a court in the territory concerned were to decide that they deliberately absented themselves from their trial;

(c) the person was entitled as mentioned in paragraph (a) or (b) but expressly waived that entitlement;

(d) having been informed that they were entitled as mentioned in paragraph (a) or (b), the person failed to exercise that entitlement before the end of the period permitted for exercising it.

(6) If the judge decides the question in subsection (5) in the affirmative he must proceed under section 86.

(7) If the judge decides that question in the negative he must order the person's discharge.

(7A) For the purposes of subsection (1), a person convicted at a trial at which they were legally represented (but not present in person) is to be treated as having been convicted in their presence.

(8) The judge must not decide the question in subsection (5) in the affirmative unless, in any proceedings that it is alleged would constitute *(or would have constituted)* a retrial or a review amounting to a retrial, the person would have *(or would have had)* these rights—

(a) the right to defend himself in person or through legal assistance of his own choosing or, if he had not sufficient means to pay for legal assistance, to be given it free when the interests of justice so required;

(b) the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

SECTION 11 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 69(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 69(3)

Section 18: 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,~~
- (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 69(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 69(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 69(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 85

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) which 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 85A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 88(2)

Section 85A: Notification requirements: absence from notified residence

(1) This section applies to a relevant offender at any time if the last home address notified by him under section 83(1), 84(1) or 85(1) was an address in Northern Ireland such as is mentioned in section 83(7)(a) (sole or main residence).

(2) If the relevant offender intends to be absent from that home address for a period of more than 3 days ("the relevant period"), the relevant offender must, not less than 12 hours before leaving that home address, notify to the police the information set out in subsection (3).

(3) The information is—

(a) the date on which the relevant offender will leave that home address;

(b) such details as the relevant offender holds about—

(i) his travel arrangements during the relevant period;

(ii) his accommodation arrangements during that period;

(iii) his date of return to that home address.

(4) In this section—

"travel arrangements" include, in particular, details of the means of transport to be used and the dates of travel,

"accommodation arrangements" include, in particular, the address of any accommodation at which the relevant offender will spend the night during the relevant period and the nature of that accommodation.

(5) Where—

(a) a relevant offender has given a notification under subsection (2), and

(b) at any time before that mentioned in that subsection, the information notified becomes inaccurate or incomplete,

the relevant offender must give a further notification under subsection (2).

(6) Where a relevant offender—

(a) has notified a date of return to his home address, but

(b) returns to his home address on a date other than that notified,

the relevant offender must notify the date of his actual return to the police within 3 days of his actual return.

(7) Nothing in this section requires an offender to notify any information which falls to be notified in accordance with a requirement imposed by regulations under section 86.

(7A) The Department of Justice may by regulations amend subsection (2) so as to change the duration of the relevant period, provided that the relevant period is at least 3 days.

(8) In calculating the relevant period for the purposes of this section there is to be disregarded—

(a) any period or periods which the relevant offender intends to spend at, or travelling directly to or from, an address of the kind mentioned in section 83(5)(g) notified to the police under section 83 or 85;

(b) any period or periods which the relevant offender intends to spend at, or travelling directly to or from, any premises, if his stay at those premises would give rise to a requirement to notify the address of those premises under section 84(1)(c).

(9) This section applies in relation to any relevant period which begins on or after the day after the coming into operation of section 2 of the Criminal Justice Act (Northern Ireland) 2013.

SECTION 87 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 90

Section 87: Method of notification and related matters (Scotland)

(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 87 OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 90

Section 87: Method of notification and related matters (Northern Ireland)

(1) A person gives a notification under section 83(1), 84(1), 85(1) or 85A(2) or (6) by—

~~(a) attending at such police station in his local police area 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

(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.

(4) Where a notification is given under section 83(1), 84(1), 85(1) or 85A(2) or (6), the relevant offender must, if requested to do so by the police officer or person referred to in subsection (1)(b), allow the officer or person to—

(a) take his fingerprints,

(b) photograph any part of him, or

(c) do both these things.

(5) The power in subsection (4) is exercisable for the purpose of verifying the identity of the relevant offender.

(6) [Previously repealed]

SECTION 91A OF THE SEXUAL OFFENCES ACT 2003 AS AMENDED BY CLAUSE 92(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 95(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 (Previously repealed) 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—

~~“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 95(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 140(2) AND 143(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 140(3) AND 143(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 ~~Glass-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 140(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 140(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 140(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 70(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 11 OF SCHEDULE 7B OF THE GOVERNMENT OF WALES ACT 2006 AS AMENDED BY CLAUSE 193(6)

Schedule 7B: General Restrictions

(1) A provision of an Act of the Senedd cannot remove or modify, or confer power by subordinate legislation to remove or modify—

- (a) any function of a Minister of the Crown that relates to a qualified devolved function,
- (b) any function of a Minister of the Crown exercisable in relation to the Welsh language,
- (c) any function of a Minister of the Crown exercisable in relation to water supply, water quality, water resources management, control of pollution of water resources, sewerage, rivers and other watercourses, land drainage, flood risk management or coastal protection,
- (d) any function of a Minister of the Crown under Chapter 1 of Part 3, or section 58, of the Marine and Coastal Access Act 2009,
- (e) any power of the Secretary of State under section 6 of the Railways Act 2005 (financial assistance relating to railway services etc), or
- (f) any function of the Treasury under section 138(2) or 141(4),

unless the appropriate Minister consents to the provision.

(2) A provision of an Act of the Senedd cannot remove or modify, or confer power by subordinate legislation to remove or modify, any function of a Minister of the Crown not falling within sub-paragraph (1) unless the Welsh Ministers have consulted the appropriate Minister about the provision.

(2A) Where sub-paragraph (1)(a) does not apply by virtue of sub-paragraph (6) or (7), a provision of an Act of the Senedd cannot remove, or confer power by subordinate legislation to remove, any function unless the Welsh Ministers have consulted the appropriate Minister about the provision.

(3) In this paragraph “qualified devolved function” means a function that—

- (a) is conferred or imposed on or transferred to the Welsh Ministers, the First Minister or the Counsel General by any Act (whenever passed) or by an instrument made under any Act (whenever made), and
- (b) is to any extent exercisable—
 - (i) concurrently or jointly with a Minister of the Crown, or
 - (ii) only with the consent or agreement of, or after consultation with, a Minister of the Crown.

(4) For the purposes of sub-paragraph (1)(a)—

- (a) the functions of a Minister of the Crown that “relate to” qualified devolved functions within sub-paragraph (3)(b)(i) are the qualified devolved functions so far as exercisable by the Minister;

(b) the functions of a Minister of the Crown that ““relate to”” qualified devolved functions within sub-paragraph (3)(b)(ii) are those concerning consent or agreement to, or consultation about, the exercise of the qualified devolved functions.

(5) In this paragraph ““appropriate Minister”” has the same meaning as in paragraph 8.

(6) Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown that is to any extent exercisable concurrently where that function—

(a) exists to any extent by virtue of regulations made under sections 8 to 8C of the European Union (Withdrawal) Act 2018; or

(b) is conferred by, or by regulations made under—

(ai) section 79 of the New Roads and Street Works Act 1991;

(i) the European Union (Withdrawal Agreement) Act 2020;

(ii) the Direct Payments to Farmers (Legislative Continuity) Act 2020;

(iii) the Coronavirus Act 2020;

(iv) the Agriculture Act 2020;

(v) the Fisheries Act 2020; [Previously repealed]

(vi) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020 [Previously repealed]

(vii) the Environment Act 2021 [Previously repealed]

(viii) section 28 of the Commercial Rent (Coronavirus) Act 2022 [Previously repealed]

(ix) the Professional Qualifications Act 2022 [Previously repealed]

(x) [Previously repealed]

(xi) Chapter 1 of Part 3 or Part 6 of the Levelling-up and Regeneration Act 2023 [Previously repealed]

(xii) the Procurement Act 2023 [Previously repealed]; or

(xiii) the Animal Welfare (Livestock Exports) Act 2024; or

(xiv) *section 192 of the Crime and Policing Act 2025.*

(7) Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown, where that function concerns consent or agreement to, or consultation about, the exercise of a function that is to any extent exercisable concurrently with a Minister of the Crown and is conferred by, or by regulations made under—

(a) the European Union (Withdrawal Agreement) Act 2020; or

(b) the Fisheries Act 2020; or

(c) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.

(8) Sub-paragraphs (6) and (7) do not have effect in relation to a function of a Minister of the Crown to regulate British fishing boats in the Welsh zone.

(9) In sub-paragraph (8), the reference to British fishing boats does not include Welsh fishing boats; and “British fishing boat” and “Welsh fishing boat” have the same meaning as in section 52 of the Fisheries Act 2020.

PARAGRAPH 4(1) OF SCHEDULE 3 OF THE SAFEGUARDING VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 81(2)

Schedule 3: Barred Lists

(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 VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 105

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, [Previously repealed]

(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 VULNERABLE GROUPS ACT 2006 AS AMENDED BY CLAUSE 105

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 147

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]—~~or~~
- (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.

(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

(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 (4BB), (4BC) and (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”.

SECTION 42 OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 AS AMENDED BY CLAUSE 165(3)

Section 42: Appointment of Commissioner of Police of the Metropolis

(1) The Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.

(2) A constable holds office as the Commissioner of Police of the Metropolis at Her Majesty's pleasure.

(3) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis unless that person is eligible for appointment]; and, before making such a recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.

(3A) A person is eligible for appointment if the person is or has been—

(a) a constable in any part of the United Kingdom, or

(b) a police officer in an approved overseas police force, of at least the approved rank.

(3AA) But a person who would be eligible for appointment by virtue of subsection (3A) is not eligible for appointment at a time when the person is included in

(a) the police barred list maintained under section 88B of the Police Act 1996.

(b) *the British Transport Police barred list (within the meaning of section 163 of the Crime and Policing Act 2025);*

(c) *the Civil Nuclear Constabulary barred list (within the meaning of that section);*

(d) *the Ministry of Defence Police barred list (within the meaning of that section);*

(e) *the National Crime Agency barred list (within the meaning of that section);*

(f) *the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).*

(3B) An “approved overseas police force” is a police force which—

(a) is in a country or territory outside the United Kingdom designated by regulations made by the Secretary of State, and

(b) is designated in relation to that country or territory by the regulations.

(3C) The “approved rank” for an approved overseas police force is the rank which is designated as the approved rank for that police force by the regulations.

(3D) The College of Policing must recommend to the Secretary of State matters to be designated under this section.

(3E) The Secretary of State may make regulations under this section only if they give effect to a recommendation under subsection (3D).

(4) The appointment of the Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

SECTION 43 OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 AS AMENDED BY CLAUSE 165(4)

Section 43: Deputy Commissioner of the Police of the Metropolis

(1) The Metropolitan Police force has one Deputy Commissioner of Police of the Metropolis.

(2) The Deputy Commissioner of Police of the Metropolis is to be appointed by Her Majesty by warrant under Her sign manual.

(3) A person holds office as the Deputy Commissioner of Police of the Metropolis at Her Majesty's pleasure.

(3A) The Secretary of State may not recommend to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis unless that person is eligible for appointment.

(3B) A person is not eligible for appointment at a time when the person is included in

(a) the police barred list maintained under section 88B of the Police Act 1996.

(b) the British Transport Police barred list (within the meaning of section 163 of the Crime and Policing Act 2025);

(c) the Civil Nuclear Constabulary barred list (within the meaning of that section);

(d) the Ministry of Defence Police barred list (within the meaning of that section);

(e) the National Crime Agency barred list (within the meaning of that section);

(f) the Scottish police barred list maintained under section 59A of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(4) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner of Police of the Metropolis, the Secretary of State must have regard to—

(a) any recommendations made by the Commissioner of Police of the Metropolis, and

(b) any representations made by the Mayor's Office for Policing and Crime.

(5) The appointment of the Deputy Commissioner of Police of the Metropolis is subject to regulations under section 50 of the Police Act 1996.

PARAGRAPH 6A OF SCHEDULE 1 OF THE TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011 AS AMENDED BY CLAUSE 184(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 injunctions

(1) A court may grant an injunction under this section against a person aged 10 or over ("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 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.

(5) Prohibitions and requirements in an injunction under this section 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;

(b) any conflict with the requirements of any other court order or injunction to which the respondent may be 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.

(7) An injunction under this section 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).

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 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 AMENDED BY CLAUSE 3(3) AND SCHEDULE 2

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 44 OF THE COUNTER-TERRORISM AND SECURITY ACT 2015 AS AMENDED BY CLAUSE 183

Section 44: Reviews of operation of Part 1 etc

(1) The person appointed under section 36(1) of the Terrorism Act 2006 (“the independent reviewer”) is also responsible for reviewing the operation of the provisions listed in subsection (2).

(2) The provisions are—

- (a) Part 1 of the Anti-Terrorism, Crime and Security Act 2001;
- (b) Part 2 of that Act as it applies in cases where a use or threat of the action referred to in section 4(2) of that Act would constitute terrorism;
- (c) the Counter-Terrorism Act 2008;
- (d) Part 1 of this Act.
- (e) section 69 of the Sentencing Code (including as it is applied by section 238(6) of the Armed Forces Act 2006), and Schedules A1 and 1 to that Code (terrorist connection).
- (f) *Chapter 1 of Part 14 of the Crime and Policing Act 2025.*

(3) In each calendar year the independent reviewer must, by 31 January, inform the Secretary of State and the Treasury what (if any) reviews under this section the reviewer intends to carry out in that year.

Those reviews must be completed during that year or as soon as reasonably practicable after the end of it.

(4) The independent reviewer must send to the Secretary of State a report on the outcome of each review as soon as reasonably practicable after the review is completed.

(5) On receiving a report under subsection (4), the Secretary of State must lay a copy of it before Parliament.

(6) The expenses and allowances that may be paid under section 36(6) of the Terrorism Act 2006 include expenses and allowances in respect of functions under this section.

(7) In this section “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

SECTION 69 OF THE SERIOUS CRIME ACT 2015 AS AMENDED BY CLAUSE 64

Section 69: Possession of paedophile manual

(1) It is an offence to be in possession of any item that contains advice or guidance about abusing children sexually *or creating CSA images*.

(2) It is a defence for a person (D) charged with an offence under this section—

(a) to prove that D had a legitimate reason for being in possession of the item;

(b) to prove that—

(i) D had not read, viewed or (as appropriate) listened to the item, and

(ii) D did not know, and had no reason to suspect, that it contained advice or guidance about abusing children sexually *or creating CSA images*; or

(c) to prove that—

(i) the item was sent to D without any request made by D or on D's behalf, and

(ii) D did not keep it for an unreasonable time.

(2A) *In this section “abusing children sexually or creating CSA images” means—*

(a) *in England and Wales, doing anything that constitutes—*

(i) *an offence under section 1 of the Protection of Children Act 1978,*

(ii) *an offence under Part 1 of the Sexual Offences Act 2003 against a person under the age of 16, or*

(iii) *an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) against a person under the age of 16 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation),*

or doing anything outside England and Wales that would constitute such an offence if done in England and Wales;

(b) *in Northern Ireland, doing anything that constitutes—*

(i) *an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)),*

(ii) *an offence under Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)) against a person under the age of 16, or*

(iii) *an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 against a person under the age of 16 that is committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation),*

or doing anything outside Northern Ireland that would constitute such an offence if done in Northern Ireland; or creating (anywhere) a prohibited image of a child within the meaning of section 62 of the Coroners and Justice Act 2009.

(3) A person guilty of an offence under this section 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 to a fine, or to both;
- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine, or to both.

(4) Proceedings for an offence under this section may be brought—

- (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
- (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(5) In England and Wales, the following provisions of the Protection of Children Act 1978 apply in relation to prohibited items as they apply in relation to indecent photographs of children (within the meaning of that Act)—

- (a) section 4 (entry, search and seizure);
- (b) the Schedule (forfeiture of photographs).

(6) In Northern Ireland, the following provisions of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) apply in relation to prohibited items as they apply in relation to indecent photographs of children (within the meaning of that Order)—

- (a) Article 4 (entry, search and seizure);
- (b) the Schedule (forfeiture of photographs).

(7) Schedule 3 makes special provision in connection with the operation of subsection (1) in relation to persons providing information society services within the meaning of that Schedule.

(8) In this section—

~~“abusing children sexually” means doing anything that constitutes—~~

- ~~(a) an offence under Part 1 of the Sexual Offences Act 2003, or under Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), against a person under 16, or~~
 - ~~(b) an offence under section 1 of the Protection of Children Act 1978, or under Article 3 of the Protection of Children (Northern Ireland) Order 1978, involving indecent photographs (but not pseudo-photographs), or~~
 - ~~(c) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation),~~
- ~~or doing anything outside England and Wales or Northern Ireland that would constitute such an offence if done in England and Wales or Northern Ireland;~~

“item” includes anything in which information of any description is recorded;
“prohibited item” means an item within subsection (1).

**SECTION 66(1) OF THE OFFENSIVE WEAPONS ACT 2019 AS AMENDED BY
CLAUSES 35(3) & 36(2)**

Section 66: Guidance on offences relating to offensive weapons etc.

(1) The Secretary of State may from time to time issue guidance about—

(a) section 1 of the Prevention of Crime Act 1953 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),

(b) section 1 of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons) as it has effect in relation to—

(i) England and Wales, or

(ii) the importation of a knife to which that section applies into any other part of the United Kingdom,

(c) section 139 of the Criminal Justice Act 1988 (offence of having article with blade or point in public place) as it has effect in relation to England and Wales,

(d) section 139A of that Act (offence of having article with blade or point (or offensive weapon) on educational premises) as it has effect in relation to England and Wales,

(e) section 141 of that Act (offensive weapons) as it has effect in relation to England and Wales,

(f) section 141A of that Act (sale of bladed articles to persons under 18) as it has effect in relation to England and Wales,

(g) section 141B of that Act (limitations on defence to offence under section 141A: England and Wales),

(ga) section 141D of that Act (duty to report remote sales of knives etc in bulk: England and Wales),

(gb) any of sections 1 to 3 of the Crossbows Act 1987 (sale etc of crossbows) as they have effect in relation to England and Wales,

(h) any of sections 1 to 4 of this Act (sale and delivery of corrosive products) as they have effect in relation to England and Wales or Scotland,

(i) section 6 of this Act (offence of having a corrosive substance in a public place) as it has effect in relation to England and Wales, or

(j) any of sections 38 to 42 of this Act (sale and delivery of knives etc) as they have effect in relation to England and Wales.

SECTION 1 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 97(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 2 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 97(4)

Section 2: Power to make Orders *on application*

(1) A magistrates' court may make a stalking protection order on an application under section 1(1) if satisfied 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) 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 magistrates' court may include a prohibition or requirement in a stalking protection order only if satisfied that the prohibition or requirement is necessary to protect the other person from a risk associated with stalking.

(3) Prohibitions or requirements must, so far as practicable, be such as to avoid—

- (a) conflict with the defendant's religious beliefs, and
- (b) interference with any times at which the defendant normally works or attends an educational establishment.

(4) A prohibition or requirement has effect in all parts of the United Kingdom unless expressly limited to a particular locality.

(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) Subsection (7) applies where a magistrates' court makes a stalking protection order in relation to a defendant who is already subject to such an order (whether made by that court or another).

(7) The court may not include any prohibition or requirement in the new stalking protection order which is incompatible with a prohibition or requirement in the earlier stalking protection order.

SECTION 4 OF THE STALKING PROTECTION ACT 2019 AS AMENDED BY CLAUSE 97(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 97(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 98(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 97(8) and 98(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 97(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 97(9)

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 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSES 51(5), 98(2), 179(10) and paragraph 28 of Schedule 1 and paragraph 2 of Schedule 5.

Section 80: Order for conditional discharge

(1) In this Code “order for conditional discharge” means an order discharging an offender for an offence subject to the condition that the offender commits no offence during the period specified in the order (referred to in this Code as “the period of conditional discharge”).

Availability

(2) An order for conditional discharge is available to a court dealing with an offender for an offence where—

- (a) the offender is convicted by or before the court, and
- (b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

(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 11(4) of the Anti-social Behaviour, Crime and Policing Act 2014 (breach of respect order);*
- (cb) *section 8(4) of the Stalking Protection Act 2019 (breach of 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 358G(3) (breach of a CCE prevention order);*
- (eb) *section 364G(3) (breach of a stalking protection order);*
- (f) section 39(6) of the Domestic Abuse Act 2021 (breach of domestic abuse protection order).
- (g) *section 51(3) of the Crime and Policing Act 2025 (breach of CCE prevention order).*
- (h) *section 179(5) of that Act (breach of youth diversion order).*

Exercise of power to make order for conditional discharge

(4) Where it is available, the court may make an order for conditional discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—

- (a) the nature of the offence, and
- (b) the character of the offender.

(5) The period of conditional discharge specified in an order for conditional discharge must be a period of not more than 3 years beginning with the day on which the order is made.

(6) On making an order for conditional discharge, the court may, if it thinks it expedient for the purpose of the offender's reformation, allow any person who consents to do so to give security for the good behaviour of the offender.

Effect on other orders

(7) Nothing in this section prevents a court, on making an order for conditional discharge in respect of an offence, from—

- (a) imposing any disqualification on the offender,
- (b) making any of the following orders in respect of the offence—
 - (i) a compensation order (see section 133),
 - (ii) an order under section 152 (deprivation orders), or
 - (iii) a restitution order (see section 147), or
 - (iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,
- (c) making an order under section 46 (criminal courts charge), or
- (d) making an order for costs against the offender.

SECTION 193 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 148(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~~ *Each obligation imposed by 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 107 of the Crime and Policing Act 2025 comes into force.

SECTION 215 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 148(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 is enforceable as if it were a community order requirement of the community order.

(4) The obligations imposed by subsection (2) apply in relation to community orders made before (as well as those made after) section 107 of the Crime and Policing Act 2025 comes into force.

SECTION 301 OF THE SENTENCING ACT 2020 AS AMENDED BY CLAUSE 148(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 is enforceable as if it were a community requirement imposed by the suspended sentence order.

(4) The obligations imposed by subsection (2) apply in relation to suspended sentence orders made before (as well as those made after) section 107 of the Crime and Policing Act 2025 comes into force.

SECTION 103 OF THE POLICE, CRIME, SENTENCING AND COURTS ACT 2022 AS AMENDED BY CLAUSE 144(2)

Section 103: Foreign offenders' cautions

(1) Where a diversionary caution is given to a relevant foreign offender, a condition with one or both of the objects in subsection (2) may be attached to it.

(2) The objects are—

(a) bringing about the departure of the relevant foreign offender from the United Kingdom;

(b) ensuring that the relevant foreign offender does not return to the United Kingdom for a period of time.

(3) If a diversionary caution has a condition with the object referred to in subsection (2)(b), the expiry of the period does not of itself give rise to any right on the part of the offender to return to the United Kingdom.

(4) In this section “relevant foreign offender” means—

(za) an offender who has limited leave to enter or remain in the United Kingdom (within the meaning of the Immigration Act 1971),

(a) an offender directions for whose removal from the United Kingdom have been, or may be, given under Schedule 2 to the Immigration Act 1971 or section 10 of the Immigration and Asylum Act 1999, or

(b) an offender against whom a deportation order under section 5 of the Immigration Act 1971 is in force.

PARAGRAPH 7 OF SCHEDULE 7 OF THE NATIONAL SECURITY ACT 2023 AS AMENDED BY CLAUSE 184(2)

Paragraph 7: Weapons and explosive 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.