



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 4

#### MISCELLANEOUS

##### *Seizure powers*

#### **150 Powers of seizure etc under certain regulations and byelaws**

- (1) In section 2 of the Parks Regulation (Amendment) Act 1926 (power to make regulations), after subsection (1) insert—

“(1A) Regulations under subsection (1) may include provision applying (with any necessary modifications) sections 4 to 6 of the Royal Parks (Trading) Act 2000 (seizure, retention, disposal and forfeiture of property) in relation to offences under that subsection that are not park trading offences for the purposes of that Act.”.

- (2) After section 237 of the Local Government Act 1972 (offences against byelaws) insert—

#### **“237ZA Section 235 byelaws: powers of seizure etc**

A byelaw made under section 235 may include provision for or in connection with—

- (a) the seizure and retention of any property in connection with any contravention of the byelaw, and
  - (b) the forfeiture of any such property on a person’s conviction of an offence of contravention of the byelaw.”.
- (3) In section 385 of the Greater London Authority Act 1999 (byelaws), in subsection (4) (b) for “a trading byelaw” substitute “any byelaw under this section”.

*Misuse of drugs***151 Temporary control of drugs**

Schedule 17 (which makes provision for temporary class drug orders under the Misuse of Drugs Act 1971) has effect.

**152 Advisory Council on the Misuse of Drugs**

In Schedule 1 to the Misuse of Drugs Act 1971 (constitution etc of the Advisory Council on the Misuse of Drugs), in paragraph 1—

- (a) in sub-paragraph (1), omit the words after “appropriate”, and
- (b) omit sub-paragraph (2).

*Arrest warrants***153 Restriction on issue of arrest warrants in private prosecutions**

- (1) In section 1 of the Magistrates’ Courts Act 1980 (issue of summons or warrant), after subsection (4) insert—

“(4A) Where a person who is not a public prosecutor lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.

(4B) In subsection (4A) “public prosecutor” has the same meaning as in section 29 of the Criminal Justice Act 2003.

(4C) Subsection (4A) applies to—

- (a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or
- (b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) “qualifying offence” means any of the following—

- (a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);
- (b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);
- (c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);
- (d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);
- (e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);

- (f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);
  - (g) an offence under section 134 of the Criminal Justice Act 1988 (torture);
  - (h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
  - (i) an offence under sections 9 to 14 of that Act (hijacking ships etc);
  - (j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).
- (4E) In subsection (4C) “ancillary offence”, in relation to an offence, means—
- (a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);
  - (b) attempting or conspiring to commit the offence.”.
- (2) In section 25 of the Prosecution of Offences Act 1985 (consents to prosecutions etc), after subsection (2) insert—
- “(2A) Subsection (2)(a) is subject to section 1(4A) of the Magistrates’ Courts Act 1980.”.