

SCHEDULES

SCHEDULE 9

Section 115(1)

CONSEQUENTIAL AMENDMENTS

PART 1

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

House of Commons Disqualification Act 1975

- 1 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—
“Commissioner for the Retention and Use of Biometric Material”.

Northern Ireland Assembly Disqualification Act 1975

- 2 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—
“Commissioner for the Retention and Use of Biometric Material”.

Police and Criminal Evidence Act 1984

- 3 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 63 (non-intimate samples), in subsection (3A)(c)(i) (as amended by section 2 of the Crime and Security Act 2010), for “64ZA” substitute “63R”.
- (3) Omit section 64 (as not substituted by section 14(1) of the Crime and Security Act 2010) (destruction of fingerprints and samples).

Crime and Security Act 2010

- 4 (1) The Crime and Security Act 2010 is amended as follows.
- (2) Omit sections 14, 16 to 19 and 21 to 23 (retention, destruction and use of fingerprints and samples etc.).
- (3) In section 58 (extent) omit subsections (4) and (6) to (8).

Status: This is the original version (as it was originally enacted).

PART 2

THE SURVEILLANCE CAMERA COMMISSIONER

House of Commons Disqualification Act 1975

- 5 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—
 “Surveillance Camera Commissioner”.

PART 3

SAFEGUARDS FOR CERTAIN SURVEILLANCE UNDER RIPA

Regulation of Investigatory Powers Act 2000

- 6 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 7 In section 22(6) (duty of postal or telecommunications operator to comply with notice to obtain and disclose communications data) after “shall” insert “, subject to section 23A,”.
- 8 After section 23(2) (form and duration of authorisations and notices relating to communications data) insert—
 “(2A) The words in paragraph (a) of subsections (1) and (2) from “or” to the end of the paragraph do not apply in relation to—
 (a) an authorisation under section 22(3), (3B) or (3F) to which section 23A applies, or
 (b) a notice under section 22(4) to which section 23A applies.”
- 9 (1) Section 43 (general rules about grant, renewal and duration of authorisations relating to surveillance and human intelligence sources) is amended as follows.
 (2) After subsection (1) insert—
 “(1A) Subsection (1)(a) does not apply in relation to an authorisation under section 28 or 29 to which section 32A applies.”
 (3) In subsection (9)(c) after “section” insert “32A or”.
- 10 (1) Section 57 (Interception of Communications Commissioner) is amended as follows.
 (2) In subsection (2) for “subsection (4)” substitute “subsections (4) and (4A)”.
 (3) After subsection (4) insert—
 “(4A) It shall not be the function of the Interception of Communications Commissioner to keep under review the exercise by the relevant judicial authority (within the meaning of section 23A) of functions under that section or section 23B.”
- 11 After section 62(2) (functions of Chief Surveillance Commissioner) insert—

Status: This is the original version (as it was originally enacted).

“(2A) It shall not by virtue of this section be the function of the Chief Surveillance Commissioner to keep under review the exercise by a judicial authority of functions under section 32A or 32B.”

12 (1) Section 65 (the Tribunal) is amended as follows.

(2) In subsection (7) after “but” insert “, subject to subsection (7ZA),”.

(3) After subsection (7) insert—

“(7ZA) The exception in subsection (7) so far as conduct is authorised by, or takes place with the permission of, a judicial authority does not include conduct authorised by an approval given under section 23A or 32A.”

13 In section 67(7) (powers of the Tribunal), at the end of paragraph (a) (and before “and”), insert—

“(aa) an order quashing an order under section 23A or 32A by the relevant judicial authority (within the meaning of that section);”.

14 In section 71(2) (issue and revision of codes of practice) after “Commissioners” insert “or the relevant judicial authority (within the meaning of section 23A or 32A)”.

15 After section 77 (Ministerial expenditure etc.) insert—

“77A Procedure for order of sheriff under section 23A or 32A: Scotland

(1) This section applies to an application to the sheriff for an order under section 23A or 32A.

(2) Rules of court must make provision for the purposes of ensuring that an application to which this section applies is dealt with in private and must, in particular—

- (a) require the sheriff to determine an application in private,
- (b) secure that any hearing is to be held in private, and
- (c) ensure that notice of an application (or of any order being made) is not given to—
 - (i) the person to whom the authorisation or notice which is the subject of the application or order relates, or
 - (ii) such a person’s representatives.

(3) The Court of Session’s power under section 32 of the Sheriff Courts (Scotland) Act 1971 to regulate and prescribe the procedure and practice to be followed in relation to an application to which this section applies is subject to, but is not otherwise constrained by, sections 23B and 32B and this section.

77B Procedure for order of district judge under section 23A or 32A: Northern Ireland

(1) The Lord Chancellor may by order make further provision about the procedure and practice to be followed in relation to an application to a district judge (magistrates’ courts) in Northern Ireland for an order under section 23A or 32A.

(2) Such an order may, in particular, provide—

Status: This is the original version (as it was originally enacted).

- (a) for the manner in which, and time within which, an application may be made,
 - (b) that the district judge (magistrates' courts) is to determine an application—
 - (i) in chambers,
 - (ii) in the absence of the person to whom the authorisation or notice which is the subject of the application relates,
 - (c) that any hearing is to be held in private,
 - (d) that notice of an order given is not to be given to—
 - (i) the person to whom the authorisation or notice which is the subject of the order relates, or
 - (ii) such a person's legal representatives.
- (3) An order of the Lord Chancellor under this section may not make provision which, if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Northern Ireland Assembly and would deal with a transferred matter (within the meaning of section 4(1) of the Northern Ireland Act 1998).
- (4) The power of the Magistrates' Courts Rules Committee under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) to regulate and prescribe the procedure and practice to be followed in relation to an application to a district judge (magistrates' courts) in Northern Ireland for an order under section 23A or 32A is subject to, but is not otherwise constrained by, sections 23B and 32B and any order made under this section.”
- 16 In section 78 (orders, regulations and rules)—
- (a) in subsection (1) after “the Secretary of State” insert “or the Lord Chancellor”,
 - (b) in subsection (3)(a)—
 - (i) after “22(9),” insert “23A(6),” and
 - (ii) after “30(7),” insert “32A(7),” and
 - (c) in subsection (5) after “the Secretary of State” insert “or (as the case may be) the Lord Chancellor”.
- 17 After section 81(8) (general interpretation) insert—
- “(9) References in this Act to provision which, if it were contained in an Act of the Northern Ireland Assembly, would deal with a Northern Ireland transferred matter or (as the case may be) a transferred matter (see sections 23A(7)(b), 32A(8)(c) and 77B(3)) do not include references to any such provision which would be ancillary to other provision (whether in the Act of the Northern Ireland Assembly or previously enacted) which deals with an excepted or reserved matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998).”

PART 4

VEHICLES LEFT ON LAND

Road Traffic Regulation Act 1984

- 18 (1) Section 102 of the Road Traffic Regulation Act 1984 (charges for removal, storage and disposal of vehicles) is amended as follows.
- (2) In subsection (1)(b) for “, or from land in the open air,” substitute “or other land”.
- (3) In subsection (8), in the definition of “appropriate authority”, in paragraph (b), for “land in the open air” substitute “other land”.

Airports Act 1986

- 19 (1) Section 66 of the Airports Act 1986 (functions of operators of designated airports as respects abandoned vehicles) is amended as follows.
- (2) In subsection (2)(a) for the words from “from roads if” to “abandoned” substitute “illegally, obstructively or dangerously parked, or abandoned or broken down”.
- (3) In subsection (3)—
- (a) omit paragraph (b) (but not the word “or” at the end of the paragraph), and
 - (b) in paragraph (c), for “any of those sections” substitute “that section”.
- (4) In the heading, after “abandoned vehicles” insert “etc.”.

Private Security Industry Act 2001

- 20 (1) The Private Security Industry Act 2001 is amended as follows.
- (2) In section 3(2) (conduct subject to a licence)—
- (a) after paragraph (h) insert “or”, and
 - (b) omit paragraph (j) and the word “or” before it.
- (3) In section 4A(2) (licensable conduct)—
- (a) omit paragraph (a),
 - (b) omit paragraph (b) and the word “or” at the end of the paragraph, and
 - (c) in paragraph (c), omit “other”.
- (4) Omit section 6 (offence of using unlicensed wheel-clampers).
- (5) Omit section 22A (charges for vehicle release: appeals).
- (6) In section 24(4) (orders and regulations) omit the words from “(except” to “or 22A)”.
- (7) In section 25(1) (interpretation) omit the definition of “motor vehicle”.
- (8) In Schedule 2 (activities liable to control) omit the following—
- (a) paragraph 3,
 - (b) paragraph 3A,
 - (c) paragraph 9, and
 - (d) paragraph 9A.

PART 5

COUNTER-TERRORISM POWERS

Police and Criminal Evidence Act 1984

- 21 After section 66(2) of the Police and Criminal Evidence Act 1984 (codes of practice in relation to statutory search powers etc.) insert—

“(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 22 In Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice in relation to statutory search powers etc.)—
- (a) the existing provisions become paragraph (1), and
 - (b) after that paragraph insert—

“(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

Terrorism Act 2000

- 23 The Terrorism Act 2000 is amended as follows.
- 24 In the italic cross-heading before section 40, after “Suspected terrorists” insert “etc.”.
- 25 (1) Section 123 (orders and regulations) is amended as follows.
- (2) In subsection (4), after paragraph (aa), insert—

“(ab) section 47AB;”.
 - (3) In subsection (5), after “paragraph (aa)” insert “, (ab)”.
- 26 (1) Schedule 8 (detention) is amended as follows.
- (2) In paragraph 36, in sub-paragraph (1A), for the words from “is” to the end of the sub-paragraph substitute “is a judicial authority”.
 - (3) In paragraph 36 omit—
 - (a) sub-paragraph (1B),
 - (b) in sub-paragraph (3AA), the words “or senior judge” in both places where they appear,
 - (c) in sub-paragraph (4), the words from “but” onwards,
 - (d) in sub-paragraph (5), the words “or senior judge”, and
 - (e) sub-paragraph (7).

- (4) In paragraph 37(2) omit “or senior judge”.

Regulation of Investigatory Powers Act 2000

- 27 In paragraph 6(3) of Schedule 2 to the Regulation of Investigatory Powers Act 2000 (general requirements relating to the appropriate permission)—
- (a) in paragraph (a)—
 - (i) for “section 44” substitute “section 47A”, and
 - (ii) after “(power to stop and search)” insert “(including that section as it had effect by virtue of the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631))”,
 - (b) in paragraph (b)—
 - (i) at the beginning insert “section 44 of the Terrorism Act 2000 or”, and
 - (ii) for the words from “had” to “section 44 of the Terrorism Act 2000” substitute “previously had effect for similar purposes”, and
 - (c) after “mentioned in” insert “paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”)”.

Criminal Justice and Police Act 2001

- 28 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 69 and the italic cross-heading relating to the Terrorism Act 2000, insert—
- “69A The power of seizure conferred by section 43(4B)(b) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle in relation to a person suspected of being a terrorist).
- 69B The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”
- 29 In Part 2 of that Schedule to that Act (powers of seizure to which section 51 of that Act applies) after paragraph 82 insert—
- “82A The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”.

Police Reform Act 2002

- 30 In paragraph 15(1) of Schedule 4 to the Police Reform Act 2002 (powers of stop and search for community support officers)—
- (a) in paragraph (a)—
 - (i) for “section 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “section 47A(2)(a) and (d), (3)(b) and (6)”,
 - (ii) in sub-paragraph (iv) for “any article” substitute “anything which is”, and
 - (iii) also in sub-paragraph (iv), for “section 44(1) or (2) of that Act” substitute “section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle

Status: This is the original version (as it was originally enacted).

- concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act”, and
- (b) in paragraph (b) for “subsections (1) and (4) of section 45 of” substitute “subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to,”.

Police (Northern Ireland) Act 2003

- 31 In paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (powers of stop and search for community support officers)—
- (a) in sub-paragraph (1)—
- (i) for “sections 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “section 47A(2)(a) and (d), (3)(b) and (6)”,
- (ii) in paragraph (d) for “any article” substitute “anything which is”, and
- (iii) also in paragraph (d), for “section 44(1) or (2) of that Act” substitute “section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act”, and
- (b) in sub-paragraph (2) for “subsections (1) and (4) of section 45 of” substitute “subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to,”.

Terrorism Act 2006

- 32 In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—
- (a) in subsections (3) and (4) for “under this section” substitute “under subsection (2)”,
- (b) in subsection (5) after “Parliament” insert “as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings”,
- (c) in subsection (6) for “to carry out a review under this section” substitute “under subsection (1)”, and
- (d) after subsection (6) insert—
- “(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it.”

Counter-Terrorism Act 2008

- 33 In section 1(1) of the Counter-Terrorism Act 2008 (power to remove documents for examination), after paragraph (b), insert—
- “(ba) section 43(4B) of that Act (search of vehicle in relation to suspected terrorist);
- (bb) section 43A of that Act (search of vehicle suspected of being used for the purposes of terrorism);”.

Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631)

34 The Terrorism Act 2000 (Remedial) Order 2011 is revoked.

PART 6

SAFEGUARDING OF VULNERABLE GROUPS

Police Act 1997

35 The Police Act 1997 is amended as follows.

36 In section 113A (criminal record certificates) omit subsection (10).

37 In section 113B (enhanced criminal record certificates) omit subsection (13).

38 In section 113BA(2) (suitability information relating to children) omit paragraphs (b) to (d).

39 In section 113BB(2) (suitability information relating to vulnerable adults) omit paragraphs (b) to (d).

40 (1) Section 119 (sources of information) is amended as follows.

(2) In subsection (2) omit “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”.

(3) In subsection (8)—

(a) omit paragraph (c), and

(b) in paragraph (d) for “that Act” substitute “the Safeguarding Vulnerable Groups Act 2006”.

41 In section 119B(5) (independent monitor) omit paragraphs (d) and (e).

42 (1) Section 120A (refusal and cancellation of registration on grounds related to disclosure) is amended as follows.

(2) In subsection (3A) omit paragraphs (b) and (c).

(3) Omit subsections (3B) and (3C).

(4) In subsection (3D)—

(a) for “subsections (3A) to (3C)” substitute “subsection (3A)”,

(b) for “those subsections” substitute “that subsection”, and

(c) omit the words from “, except” to the end of the subsection.

Safeguarding Vulnerable Groups Act 2006

43 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

44 In section 4(1) (appeals)—

(a) omit paragraph (a),

(b) in paragraph (b)—

(i) after “paragraph” insert “2,”,

(ii) after “5,” insert “8,”, and

(iii) for “that Schedule” substitute “Schedule 3”, and

Status: This is the original version (as it was originally enacted).

- (c) in paragraph (c) for “or 18” substitute “, 18 or 18A”.
- 45 In section 5(4) (regulated activity)—
 - (a) omit “section 10(3);”, and
 - (b) omit “paragraph 4 of Schedule 6”.
- 46 In section 6(8) (regulated activity providers)—
 - (a) in paragraph (a), for “paragraph 4(1)(a), (b), (g), (h), (i), (j) or (m) or 8(1)(a), (d) or (e)” substitute “paragraph 1(9) or 7(9)”,
 - (b) omit paragraph (c), and
 - (c) in paragraph (d)—
 - (i) for “paragraph (a), (b) or (f) of section 59(10)” substitute “paragraph 7(3E)(a) or (b) of Schedule 4”, and
 - (ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position”.
- 47 In section 7(5) (barred person not to engage in regulated activity) omit paragraphs (b) and (c).
- 48 Omit section 8 (person not to engage in regulated activity unless subject to monitoring).
- 49 In section 9(5) (use of barred person for regulated activity) omit paragraphs (b) and (c).
- 50 Omit section 10 (use of person not subject to monitoring for regulated activity).
- 51 Omit section 11 and Schedule 5 (regulated activity provider: failure to check).
- 52 Omit section 12 and Schedule 6 (personnel suppliers: failure to check).
- 53 Omit section 13 (educational establishments: check on members of governing body).
- 54 Omit section 14 (office holders: offences).
- 55 Omit section 15 (sections 13 and 14: checks).
- 56 Omit section 16 (exception to requirement to make monitoring check).
- 57 Omit section 17 (NHS employment).
- 58 (1) Section 18 (offences: companies etc.) is amended as follows.
 - (2) In subsection (1)—
 - (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.
 - (3) In subsection (2)—
 - (a) omit “, 10, 11, 23, 27”, and
 - (b) omit “or Schedule 6”.
- 59 (1) Section 19 (offences: other persons) is amended as follows.
 - (2) Omit subsection (1).
 - (3) Omit subsections (3) and (4).
 - (4) Omit subsections (6) and (7).
 - (5) In subsection (8)—

Status: This is the original version (as it was originally enacted).

- (a) for “subsections (2)(b) and (3)(b)” substitute “subsection (2)(b)”, and
 - (b) omit paragraphs (b) and (c).
- (6) Omit subsection (9).
- 60 In section 20 (section 19: exclusions and defences) omit subsections (2) to (7).
- 61 In section 35 (regulated activity providers: duty to refer)—
 - (a) in subsection (1), omit paragraph (b), and
 - (b) omit subsection (6).
- 62 (1) Section 36 (personnel suppliers: duty to refer) is amended as follows.
 - (2) In subsection (1) omit “or controlled activity”.
 - (3) In subsection (3)(a) omit “or controlled”.
- 63 (1) Section 37 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
 - (2) In subsection (2)—
 - (a) omit paragraph (b), and
 - (b) in paragraph (d), omit “or controlled”.
 - (3) In subsection (4) omit “or controlled”.
 - (4) In subsection (5) omit “or controlled”.
- 64 In section 41(7) (registers: duty to refer), in the table, in column 1 of entry 3 for “Either of” substitute “Any of”.
- 65 (1) Section 50A (provision of information to the police) is amended as follows.
 - (2) In subsection (2) for “power conferred by subsection (1) does” substitute “powers conferred by this section do”.
 - (3) In subsection (3) for “subsection (1)” substitute “this section”.
 - (4) In the heading to section 50A, and in the italic cross-heading before it, after “police” insert “etc.”.
- 66 In section 51(5) (Crown application) omit paragraph (b).
- 67 (1) Section 54 (devolution: alignment) is amended as follows.
 - (2) In subsection (2) omit paragraph (a).
 - (3) In subsection (3) omit paragraph (b) (but not the word “or” at the end of it).
 - (4) In subsection (4) omit paragraph (b) (but not the word “or” at the end of it).
 - (5) Omit subsection (5).
- 68 (1) Section 56 (devolution: Wales) is amended as follows.
 - (2) Omit subsection (1).
 - (3) In subsection (2)—
 - (a) in paragraph (a) for “45(1), (5) or (9)” substitute “45(9)”,
 - (b) omit paragraph (c), and
 - (c) in paragraphs (d) and (e), omit “or (8)”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (3)—
- (a) omit paragraphs (b) to (f),
 - (b) after paragraph (f) insert—
“*(fa)* section 34ZA(7),”,
 - (c) omit paragraph (j),
 - (d) in paragraph (l) for “41(1), (5) or (8)” substitute “41(8)”,
 - (e) omit paragraph (n),
 - (f) in paragraph (r) for “7(1)(f)” substitute “7(1)(f) or (g)”, and
 - (g) omit paragraphs (s) and (t).
- 69 In section 57(1)(c) (damages) omit “prescribed”.
- 70 (1) Section 60 (interpretation) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “personnel supplier”, omit “or controlled”.
 - (3) Omit subsection (3).
- 71 In section 61(3) (orders and regulations)—
- (a) omit paragraphs (b) to (e),
 - (b) at the end of paragraph (h) insert “or”, and
 - (c) omit paragraph (j) and the word “or” before it.
- 72 (1) Schedule 3 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
 - (3) In paragraph 25(1) after “will” insert “or (as the case may be) may”.
- 73 (1) Schedule 7 (vetting information) is amended as follows.
- (2) In paragraph 1—
 - (a) for “sections 30 and 32” substitute “sections 30A and 30B”, and
 - (b) omit entries 3, 4, 7, 8 and 17 in the table.
 - (3) Omit paragraph 3(3).
 - (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “BARRING INFORMATION”.
- 74 In Schedule 8 (transitional provisions) omit paragraph 5.

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

- 75 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ([S.I. 2007/1351 \(N.I. 11\)](#)) is amended as follows.
- 76 (1) Article 2 (interpretation) is amended as follows.
- (2) In the first paragraph (2)—
 - (a) omit the definition of “institution of further education”, and
 - (b) in the definition of “personnel supplier”, in sub-paragraph (b), omit “or controlled”.
 - (3) Renumber the second paragraph (2) as paragraph (2A).

- (4) Omit paragraph (3).
- 77 In Article 8(1) (appeals)—
- (a) omit sub-paragraph (a),
 - (b) in sub-paragraph (b)—
 - (i) after “paragraph” insert “2,”,
 - (ii) after “5,” insert “8,”, and
 - (iii) for “that Schedule” substitute “Schedule 1”, and
 - (c) in sub-paragraph (c) for “or 18” substitute “, 18 or 18A”.
- 78 In Article 9(4) (regulated activity), omit sub-paragraphs (c) and (e).
- 79 In Article 10(8) (regulated activity providers)—
- (a) omit sub-paragraphs (a) and (c), and
 - (b) in sub-paragraph (d)—
 - (i) for “sub-paragraph (a) or (c) of Article 3(10)” substitute “paragraph 7(3E)(a) or (c) of Schedule 2”, and
 - (ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position”.
- 80 In Article 11(5) (barred person not to engage in regulated activity) omit sub-paragraphs (b) and (c).
- 81 Omit Article 12 (person not to engage in regulated activity unless subject to monitoring).
- 82 In Article 13(5) (use of barred person for regulated activity) omit sub-paragraphs (b) and (c).
- 83 Omit Article 14 (use of person not subject to monitoring for regulated activity).
- 84 Omit Article 15 and Schedule 3 (regulated activity provider: failure to check).
- 85 Omit Article 16 and Schedule 4 (personnel suppliers: failure to check).
- 86 Omit Article 17 (educational establishments: check on members of governing body).
- 87 Omit Article 18 (office holders: offences).
- 88 Omit Article 19 (Articles 17 and 18: checks).
- 89 Omit Article 20 (exception to requirement to make monitoring check).
- 90 Omit Article 21 (HSS employment).
- 91 (1) Article 22 (offences: companies etc.) is amended as follows.
- (2) In paragraph (1)—
 - (a) omit “, 14, 15, 27, 31”, and
 - (b) omit “or Schedule 4”.
 - (3) In paragraph (2)—
 - (a) omit “, 14, 15, 27, 31”, and
 - (b) omit “or Schedule 4”.
- 92 (1) Article 23 (offences: other persons) is amended as follows.
- (2) Omit paragraph (1).

Status: This is the original version (as it was originally enacted).

- (3) Omit paragraphs (3) and (4).
- (4) Omit paragraphs (6) and (7).
- (5) In paragraph (8)—
 - (a) for “paragraphs (2)(b) and (3)(b)” substitute “paragraph (2)(b)”, and
 - (b) omit sub-paragraphs (b) and (c).
- (6) Omit paragraph (9).
- 93 In Article 24 (Article 23: exclusions and defences), omit paragraphs (2) to (7).
- 94 In Article 37 (regulated activity providers: duty to refer)—
 - (a) in paragraph (1), omit sub-paragraph (b), and
 - (b) omit paragraph (6).
- 95 (1) Article 38 (personnel suppliers: duty to refer) is amended as follows.
 - (2) In paragraph (1) omit “or controlled activity”.
 - (3) In paragraph (3)(a) omit “or controlled”.
- 96 (1) Article 39 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
 - (2) In paragraph (2)—
 - (a) omit sub-paragraph (b), and
 - (b) in sub-paragraph (d), omit “or controlled”.
 - (3) In paragraph (4) omit “or controlled”.
 - (4) In paragraph (5) omit “or controlled”.
- 97 (1) Article 52A (provision of information to the police) is amended as follows.
 - (2) In paragraph (2) for “power conferred by paragraph (1) does” substitute “powers conferred by this Article do”.
 - (3) In the heading to Article 52A, after “Police”, insert “etc.”.
- 98 In Article 53(5) (Crown application), omit sub-paragraph (b).
- 99 (1) Article 56 (alignment with rest of UK) is amended as follows.
 - (2) In paragraph (2) omit sub-paragraph (a).
 - (3) In paragraph (3) omit sub-paragraph (b) (but not the word “or” at the end of it).
 - (4) In paragraph (4) omit sub-paragraph (b) (but not the word “or” at the end of it).
 - (5) Omit paragraph (5).
- 100 In Article 57(1)(c) (damages) omit “prescribed”.
- 101 (1) Schedule 1 (barred lists) is amended as follows.
 - (2) In paragraph 24, omit sub-paragraphs (8) and (9).
 - (3) In paragraph 25(1) after “will” insert “or (as the case may be) “may”.
- 102 (1) Schedule 5 (vetting information) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In paragraph 1—
 - (a) for “Articles 32 and 34” substitute “Articles 32A and 32B”, and
 - (b) omit entries 3, 4, 7, 8 and 17 in the table.
 - (3) Omit paragraph 3(3).
 - (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “BARRING INFORMATION”.
- 103 In Schedule 6 (transitional provisions) omit paragraph 5.

PART 7

CRIMINAL RECORDS

Police Act 1997

- 104 The Police Act 1997 is amended as follows.
- 105 In section 113BC(1) (suitability information: power to amend), after paragraph (b), insert “;
- (c) amend section 120AC(4)(b) in consequence of an order made under paragraph (a) or (b).”
- 106 In section 114(3) (application of other provisions of Part 5 to an application under that section), for “Section 113A(3) to (6)” substitute “Sections 113A(3) to (6), 120AC and 120AD”.
- 107 In section 116(3) (application of other provisions of Part 5 to an application under that section), for “and 113BA to 113BC” substitute “, 113BA to 113BC, 120AC and 120AD”.
- 108 (1) Section 117 (disputes about accuracy of certificates) is amended as follows.
- (2) In the title, for “accuracy of certificates” substitute “certificates and up-date information”.
 - (3) After subsection (1A) insert—
 - “(1B) Where a person believes that the wrong up-date information has been given under section 116A in relation to the person’s certificate, the person may make an application in writing to the Secretary of State for corrected up-date information.”
 - (4) In subsection (2)—
 - (a) after “inaccurate” insert “, or that the wrong up-date information has been given,” and
 - (b) after “new certificate” insert “or (as the case may be) corrected up-date information”.
 - (5) After subsection (2) insert—
 - “(2A) In this section—
 - “corrected up-date information”, in relation to a certificate, means information which includes—

Status: This is the original version (as it was originally enacted).

- (a) information that the wrong up-date information was given in relation to the certificate on a particular date, and
(b) new up-date information in relation to the certificate,
“up-date information” has the same meaning as in section 116A.”
- 109 (1) Section 118 (evidence of identity) is amended as follows.
- (2) In subsection (1)—
- (a) after “consider” insert “an application as mentioned in section 116A(4)(a) or (5)(a) or”, and
(b) after “117” insert “, 117A”.
- (3) After subsection (3) insert—
- “(3A) The Secretary of State by notice given in writing may require a person who has a certificate which is subject to up-date arrangements under section 116A to attend at a place and time specified in the notice to provide fingerprints for the sole purpose of enabling the Secretary of State to verify whether information in the possession of the Secretary of State that the Secretary of State considers may be relevant to the person’s certificate does relate to that person.
- (3B) If a person fails to comply with a requirement imposed under subsection (3A), the Secretary of State by notice given in writing may inform that person that, from a date specified in the notice, the person’s certificate is to cease to be subject to up-date arrangements.”
- (4) In subsection (4) after “117” insert “or 117A”.
- 110 (1) Section 119 (sources of information) is amended as follows.
- (2) In subsection (1A), after paragraph (a) (but before the word “or” at the end of the paragraph) insert—
- “(aa) the provision of up-date information under section 116A;”.
- (3) In subsection (1B), for the words from “determining” to the end substitute “deciding whether to make a request to that chief officer under section 113B(4)”.
- (4) After subsection (2) insert—
- “(2A) Where, in connection with the provision of up-date information under section 116A, the chief officer of a police force receives a request for information of the kind mentioned in section 113B(4), the chief officer of police must comply with it as soon as practicable.”
- (5) In subsection (4), at the end of paragraph (a), after “registration;” insert—
- “(aa) any application as mentioned in section 116A(4)(a) or (5)(a);”.
- (6) In subsection (8), at the end of paragraph (a), insert—
- “(aa) under this Part in relation to any request under section 116A(1);”.
- 111 (1) Section 119B (independent monitor) is amended as follows.
- (2) Omit subsection (5)(a).
- (3) In subsection (5)(c), omit the words from “or disclosed” to the end.
- (4) After subsection (5)(c) insert—

Status: This is the original version (as it was originally enacted).

- “(ca) a sample of cases in which the chief officer of a police force has decided that information should be disclosed or not disclosed to the Secretary of State for the purpose of the provision by the Secretary of State of up-date information under section 116A.”
- (5) After subsection (8) insert—
- “(8A) The independent monitor has the functions conferred on the monitor by section 117A.”
- (6) In subsection (9) after “section” insert “or section 117A”.
- 112 (1) Section 120 (registered persons) is amended as follows.
- (2) In subsection (2)—
- (a) for the words from the beginning to “the”, where it first occurs, substitute “The”,
- (b) after paragraph (a) insert “and”, and
- (c) omit paragraph (c) and the word “and” before it.
- (3) After that subsection insert—
- “(2A) Subsection (2) is subject to—
- (a) regulations under section 120ZA,
- (b) section 120A, and
- (c) section 120AA and regulations made under that section.”
- 113 After section 122(1) (code of practice) insert—
- “(1A) The reference in subsection (1) to the use of information provided to registered persons under this Part includes a reference to the use of information provided in accordance with section 116A(1) to relevant persons (within the meaning of that section) who are not registered persons under this Part.”
- 114 Omit section 122(3A)(a) (power of Secretary of State to refuse to issue certificate where failure to comply with code of practice by, or in connection with, registered person).
- 115 (1) Section 124 (offences: disclosure) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (b), omit “(5) or”, and
- (b) for “subsections (5) and (6)” substitute “subsection (6)”.
- (3) Omit subsection (5).
- 116 (1) Section 124A (offences relating to disclosure of information obtained in connection with delegated function) is amended as follows.
- (2) In subsection (1)(c) omit “or registered person”.
- (3) After subsection (6) insert—
- “(6A) For the purposes of this section the reference to an applicant includes a person who makes a request under section 116A(1), 120AC(1) or 120AD(2).”

Status: This is the original version (as it was originally enacted).

- 117 After section 125B(2) (form of applications) insert—
- “(3) In this section “application” includes a request under section 116A(1), 120AC(1) or 120AD(2).”
- 118 In section 126(1) (interpretation of Part 5), in the definition of “certificate”, after “application” insert “but does not include any documents issued in response to—
- (a) a request under section 116A(1),
 - (b) an application as mentioned in section 116A(4)(a) or (5)(a), or
 - (c) a request under section 120AC or 120AD.”

Gambling Act 2005

- 119 In section 73(3) of the Gambling Act 2005 (procedure on consideration of application for licence)—
- (a) for “section 115” substitute “section 113B”, and
 - (b) at the end (and on a new line below paragraph (b)) insert “or the production of up-date information (within the meaning given by section 116A of that Act) in relation to such a certificate,”.

National Health Service Act 2006

- 120 The National Health Service Act 2006 is amended as follows.
- 121 In section 129(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,”.
- 122 In section 132(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,”.
- 123 In section 147A(3) (performers of pharmaceutical services and assistants), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,”.

National Health Service (Wales) Act 2006

- 124 The National Health Service (Wales) Act 2006 is amended as follows.
- 125 In section 72(3) (regulations as to general ophthalmic services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,”.
- 126 In section 83(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,”.

- 127 In section 86(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act.”.
- 128 In section 105(3) (supplementary lists), in paragraph (g), for the words from “section 113” to the end of the paragraph substitute “section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act.”.

Safeguarding Vulnerable Groups Act 2006

- 129 (1) Paragraph 19 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (barred lists: information) is amended as follows.
- (2) In sub-paragraph (1)(c) for “chief officer of a relevant police force” substitute “relevant chief officer”.
- (3) In sub-paragraph (3) after “which the” insert “relevant”.
- (4) In sub-paragraph (5) for “chief officer of the relevant police force” substitute “relevant chief officer”.
- (5) In sub-paragraph (7) for the definition of “relevant police force” substitute—
““the relevant chief officer” means any chief officer of a police force who is identified by the Secretary of State for the purposes of this paragraph;”.
- (6) After sub-paragraph (7) insert—
“(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of “the relevant chief officer” as they apply for the purposes of that section.”
- (7) In sub-paragraph (8) for “which police forces are relevant police forces” substitute “who is the relevant chief officer”.

PART 8

THE DISCLOSURE AND BARRING SERVICE

Parliamentary Commissioner Act 1967

- 130 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) insert at the appropriate place—
“Disclosure and Barring Service.”

House of Commons Disqualification Act 1975

- 131 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place—

Status: This is the original version (as it was originally enacted).

“The Disclosure and Barring Service.”

- (3) In Part 3 (other disqualifying offices) insert at the appropriate place—
“Member of the staff of the Disclosure and Barring Service.”

Northern Ireland Assembly Disqualification Act 1975

- 132 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place—
“The Disclosure and Barring Service.”
- (3) In Part 3 (other disqualifying offices) insert at the appropriate place—
“Member of the staff of the Disclosure and Barring Service.”

Freedom of Information Act 2000

- 133 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) insert at the appropriate place—
“The Disclosure and Barring Service.”

PART 9

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

Rehabilitation of Offenders Act 1974

- 134 (1) Section 1 of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions) is amended as follows.
- (2) In subsection (1) for “subsection (2)” substitute “subsections (2), (5) and (6)”.
- (3) After subsection (4) insert—
“(5) This Act does not apply to any disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012.
- (6) Accordingly, references in this Act to a conviction or caution do not include references to any such disregarded conviction or caution.”

Police Act 1997

- 135 In section 113A(6) of the Police Act 1997 (criminal record certificates), in paragraph (b) of the definition of “relevant matter”, after “that Act” insert “but excluding a disregarded caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012”.

PART 10

TRAFFICKING PEOPLE FOR EXPLOITATION

Children and Young Persons Act 1933

- 136 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of the Act apply)—
- (a) in the first entry relating to the Sexual Offences Act 2003 for “57” substitute “59A”, and
 - (b) after the second entry relating to the Act of 2003 insert—

“Any offence against a child or young person under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, or any attempt to commit such an offence.”

Police and Criminal Evidence Act 1984

- 137 In section 65A of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”), in subsection (2) (p), for “59” substitute “59A”.

Proceeds of Crime Act 2002

- 138 In Schedule 2 to the Proceeds of Crime Act 2002 (lifestyle offences: England and Wales), in paragraph 4(2), for “any of sections 57 to 59” substitute “section 59A”.

Criminal Justice Act 2003

- 139 In Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified sexual offences), after paragraph 143, insert—
- “143A An offence under section 59A of that Act (trafficking for sexual exploitation).”

Sexual Offences Act 2003

- 140 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 60A (trafficking for sexual exploitation: forfeiture of land vehicle, ship or aircraft), in each of subsections (1) and (5), for “sections 57 to 59” substitute “section 59A”.
 - (3) In section 60B (trafficking for sexual exploitation: detention of land vehicle, ship or aircraft), in subsection (1), for “sections 57 to 59” substitute “section 59A”.
 - (4) In Schedule 5 (relevant offences for the purposes of notification and orders), in paragraph 63, for “59” substitute “59A”.

Asylum and Immigration (Treatment of Claimants, etc) Act 2004

- 141 (1) The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 is amended as follows.
- (2) In section 5 (section 4: supplemental)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (11) omit “In so far as section 4 extends to England and Wales,”, and
 - (b) omit subsections (12) and (13).
- (3) In section 14(2)(n) (immigration officers’ powers of arrest) for “59” substitute “59A”.

Serious Crime Act 2007

- 142 In Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales), in paragraph 2(2), for “59” substitute “59A”.

PART 11

STALKING

Protection from Harassment Act 1997

- 143 (1) The Protection from Harassment Act 1997 is amended as follows.
- (2) In section 1(2) (circumstances in which a person ought to know that a course of conduct amounts to harassment) after “this section” insert “or section 2A(2)(c)”.
 - (3) In section 4 (putting people in fear of violence)—
 - (a) in subsection (5) after “section 2” insert “or 2A”, and
 - (b) in subsection (6) after “section 2” insert “or 2A”.

Crime and Disorder Act 1998

- 144 (1) Section 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment etc.) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a)—
 - (i) after “section 2” insert “or 2A”, and
 - (ii) for “offence of harassment” substitute “offences of harassment and stalking”, and
 - (b) in paragraph (b)—
 - (i) after “section 4” insert “or 4A”, and
 - (ii) after “violence” insert “and stalking involving fear of violence or serious alarm or distress”.
 - (3) In subsection (5) for “the basic offence” substitute “either basic offence”.

Criminal Justice and Police Act 2001

- 145 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 63, insert—

Status: This is the original version (as it was originally enacted).

“Protection from Harassment Act 1997

- 63A The power of seizure conferred by section 2B(2) of the Protection from Harassment Act 1997 (seizure of material relevant to stalking).”

Sexual Offences Act 2003

- 146 In Schedule 5 to the Sexual Offences Act 2003 (relevant offences for the purposes of notification and orders)—
- (a) in paragraph 56A—
 - (i) after “section 2” insert “or 2A”, and
 - (ii) for “offence of harassment” substitute “offences of harassment and stalking”, and
 - (b) in paragraph 57—
 - (i) after “section 4” insert “or 4A”, and
 - (ii) after “violence” insert “and stalking involving fear of violence or serious alarm or distress”.

Criminal Justice Act 2003

- 147 In Part 1 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified violent offences), in paragraph 57—
- (a) after “section 4” insert “or 4A”, and
 - (b) after “violence” insert “and stalking involving fear of violence or serious alarm or distress”.

PART 12

REPEAL OF PROVISIONS FOR CONDUCTING CERTAIN FRAUD CASES WITHOUT JURY

Criminal Justice Act 2003

- 148 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 45 (procedure for applications for cases to be conducted without a jury)—
 - (a) in the heading, for “sections 43 and” substitute “section”,
 - (b) in subsection (1), omit paragraph (a) and the word “and” at the end of the paragraph, and
 - (c) in subsections (5) and (9), omit the words “43 or”.
 - (3) In section 46(7) (discharge of jury because of jury tampering) omit “43 or”.
 - (4) In section 48(1) (further provision about trials without a jury) omit “43”.
 - (5) Omit section 330(5)(b) (procedure for order bringing section 43 into force).