

SCHEDULES

SCHEDULE 1

Article 15

POWERS OF ARREST: SUPPLEMENTARY

The Unlawful Drilling Act 1819 (c. 1)

1. In section 2 (power to disperse unlawful meeting), omit “, or for any other person acting in their aid or assistance,”.

The Railway Regulation Act 1842 (c. 55)

2. Section 17 (punishment of persons guilty of misconduct) shall cease to have effect.

The Companies Clauses Consolidation Act 1845 (c. 16)

3. In section 156 (transient offenders) omit “, and all persons called by him to his assistance,”.

The Railways Clauses Consolidation Act 1845 (c. 20)

4. Sections 104 (detention of offenders) and 154 (transient offenders) shall cease to have effect.

The Vagrancy (Ireland) Act 1847 (c. 84)

5. Section 4 (power to apprehend offenders) shall cease to have effect.

The Town Police Clauses Act 1847 (c. 89)

6. In section 28 (offences) omit the words from “and any constable” to “(that is to say)”.

The Public Stores Act 1875 (c. 25)

7. In section 12 (powers of arrest and search) subsection (1) shall cease to have effect.

The Military Lands Act 1892 (c. 43)

8. Section 17(2) (powers relating to breaches of byelaws) shall cease to have effect so far as it confers a power of arrest without warrant on a constable.

The Summary Jurisdiction (Ireland) Act 1908 (c.24)

9. In Article 9(1) (persons found drunk in charge of children) omit “may be apprehended and”

The Official Secrets Act 1911 (c. 28)

10. Section 6 (power of arrest) shall cease to have effect.

Status: This is the original version (as it was originally made).

The Game Preservation Act (Northern Ireland) 1928 (c. 25)

11. In section 2 (3) (power of police to enter on land) for “Article 27” substitute “Article 26”.

The Criminal Justice (Northern Ireland) Act 1953 (c. 14)

12. Section 14 (proof of previous conviction by fingerprints) shall cease to have effect.

The Criminal Law Act (Northern Ireland) 1967 (c. 18)

13.—(1) In section 4 (penalties for assisting offenders)—

(a) in subsection (1)—

(i) for “an arrestable offence” substitute “a relevant offence”,

(ii) for “other arrestable offence” substitute “other relevant offence”,

(b) for subsection (1A) substitute—

“(1A) In this section and section 5, “relevant offence” means—

(a) an offence for which the sentence is fixed by law,

(b) an offence for which a person of 21 years or over (not previously convicted) may be sentenced to imprisonment for a term of five years (or might be so sentenced but for the restrictions imposed by Article 46(4) of the Magistrates' Courts (Northern Ireland) Order 1981).”

(c) in subsection (2), for “an arrestable offence” substitute “a relevant offence”.

(2) In section 5 (penalties for concealing offences or giving false information), in subsection (1)—

(a) for “an arrestable offence” substitute “a relevant offence”,

(b) for “other arrestable offence” substitute “other relevant offence”.

The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)

14. Section 7(2) (power of arrest) shall cease to have effect.

The Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

15. In section 24 (going equipped for stealing etc.) omit subsection (4).

The Immigration Act 1971 (c. 77)

16. In section 28A (arrest without warrant), in each of subsections (1) and (9A), for “A constable or” substitute “An”.

The Theft (Northern Ireland) Order 1978 (NI 23)

17. In Article 5 (making off without payment) omit paragraph (4).

The Customs and Excise Management Act 1979 (c. 2)

18. In section 138 (provisions about arrest), in subsection (4)(c), after “Article 26” insert “or 26A”.

The Diseases of Animals (Northern Ireland) Order 1981 (NI 22)

- 19.** In Article 42 (functions of constables)—
- (a) in paragraph (4) for “Article 27” substitute “Article 26”;
 - (b) omit paragraph (5); and
 - (c) in paragraph (8) for the words before sub-paragraph (a) substitute “The offences to which this paragraph applies for the purposes of Article 19(1)(bb) of the Police and Criminal Evidence (Northern Ireland) Order 1989 are offences against this Order consisting of—”;
 - (d) omit paragraph (9).

The Aviation Security Act 1982 (c. 36)

- 20.**—(1) In section 13 (power to require aerodrome managers to promote searches at airports), in subsection (5)(c), for “27” substitute “26A”.
- (2) In section 28 (byelaws for designated airports), omit subsection (3).

The Housing (Northern Ireland) Order 1983 (NI 15)

- 21.** In Part I of Schedule 3 (which sets out grounds upon which a court may order possession of dwelling-houses let under secure tenancies), in Ground 2, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

The Wildlife (Northern Ireland) Order 1985 (NI 2)

- 22.** In Article 25 (enforcement), in paragraph (2), for “Article 27” substitute “Article 26”.

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11)

- 23.** In Article 4 (persons found on premises used for betting transactions) omit paragraph (3).

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)

- 24.** In Schedule 2 (control of sex establishments), omit paragraph 24.

The Public Order (Northern Ireland) Order 1987 (NI 7)

- 25.** In Article 24 (powers of arrest) omit paragraphs (1) and (2).

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

- 26.**—(1) In Article 2(2) (general interpretation) omit the definitions of “arrestable offence” and “serious arrestable offence”.
- (2) In Schedule 2 (preserved powers of arrest), omit—
- the entry relating to the Military Lands Act 1892 (c. 43),
 - the entry relating to the Diseases of Animals (Northern Ireland) Order 1981,
 - the entry relating to the Public Order (Northern Ireland) Order 1981.

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

The Aviation and Maritime Security Act 1990 (c. 31)

27. In section 22 (power to require harbour authorities to promote searches in harbour areas), in subsection (10)(c), for “27” substitute “26A”.

The Criminal Justice and Public Order Act 1994 (c. 33)

28.—(1) In section 68 (offence of aggravated trespass) omit subsection (4).

(2) In section 69 (powers to remove persons committing or participating in aggravated trespass) omit subsection (5).

(3) In section 140 (reciprocal powers of arrest), in subsection (5), for “Article 26(6) or (7) or 27” substitute “Article 26”.

The Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI 12)

29. In Article 125 (intimidation, etc.), omit paragraph (3).

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

30. In Article 15 (driving etc. under influence of drink or drugs), omit paragraphs (6) and (7).

The Reserve Forces Act 1996 (c. 14)

31. In Schedule 2 (deserters and absentees without leave), omit paragraph 2(1).

The Public Processions (Northern Ireland) Act 1998 (c. 2)

32. Section 15 (powers of arrest) shall cease to have effect.

The Police (Northern Ireland) Act 1998 (c. 32)

33. In section 66 (assaults, etc) omit subsection (3).

The Criminal Justice (Children) (Northern Ireland) Order 1998 (NI 9)

34.—(1) In Article 2(2) (interpretation) omit the definitions of “arrestable offence” and “serious arrestable offence”.

(2) In Article 6(3)(a) for “serious arrestable” substitute “indictable”.

(3) In Article 7(5)(a) for “serious arrestable” substitute “indictable”

(4) In Article 12(3)(a) and (b) for “arrestable” substitute “indictable”.

The Terrorism Act 2000 (c. 11)

35. In Schedule 8 (detention), in paragraph 8 (which relates to the rights of a person detained under Schedule 7 to or section 41 of that Act) in sub-paragraph (9), omit the words “(in relation to England and Wales)” and the words from “and (in relation to Northern Ireland)” to “Order 1989”.

The International Criminal Court Act 2001 (c. 17)

36.—(1) In section 33 (entry, search and seizure), in subsection (2), omit “(in the case of Part 2 of the 1984 Act)” and the words “or (in the case of Part III of the 1989 Order) to a serious arrestable offence”.

(2) In section 62 (meaning of “ancillary offence” under the law of Northern Ireland), in subsection (5), in each of paragraphs (a) and (b), for “an arrestable offence” substitute “a relevant offence”.

The Crime (International Co-operation) Act 2003 (c. 32)

37.—(1) In section 16 (extension of statutory search powers in England and Wales and Northern Ireland), in subsection (3)—

- (a) for “serious arrestable offences” substitute “indictable offences”,
- (b) in paragraph (b), for “a serious arrestable offence” substitute “an indictable offence”.

(2) In section 17 (warrants in England and Wales or Northern Ireland)—

- (a) in subsection (3)(b) after “(if it occurred in England and Wales” insert “or Northern Ireland” and omit “or (if it occurred in Northern Ireland) constitute an arrestable offence”; and
- (b) omit the definition of “arrestable offence”.

The Gangmasters (Licensing) Act 2004 (c. 11)

38. In Schedule 2 (application of Act to Northern Ireland), in paragraph 14, for “Article 26(4) and (5)” substitute “Article 26A”.

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

39.—(1) In section 2 (entering U.K. without passport, etc.), in subsection (10), for “a constable or” substitute “an”.

(2) In section 35 (deportation or removal: cooperation), in subsection (5), for “a constable or” substitute “an”.