

## **EXPLANATORY NOTES**

### **CRIMINAL JUSTICE AND POLICE ACT 2001**

#### **INTRODUCTION**

#### **THE ACT**

#### **COMMENTARY ON SECTIONS**

#### **PART 1: PROVISIONS FOR COMBATTING CRIME AND DISORDER.**

#### **Chapter 1: On the spot penalties for disorderly behaviour (Sections 1 to 11)**

Sections 1 to 6

Section 1: Offences leading to penalties on the spot

Section 2: Penalty notices

Section 3: Amount of penalty and form of penalty notice

Section 4: Effect of penalty notice

Section 5: General restriction on proceedings

Section 6: Secretary of State's guidance

Section 7: Payment of penalty

Sections 8 and 9: Registration certificates and Registration of sums payable in default

Section 10: Enforcement

**Chapter 2: Provisions for combatting alcohol-related disorder (Sections 12 to 32)**

**Alcohol consumption in designated public places**

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**Offences of permitting drunkenness and disorder in licensed premises and selling to drunken people**

Section 12: Alcohol consumption in designated public places

Section 13: Designated public places

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Section 16: Interpretation of sections 13 to 15

Section 17: Closure of certain licensed premises due to disorder or disturbance

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Section 19: Closure notices

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Section 21: Closure orders

Section 22: Termination of certain closure orders

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#### **Intimidating, harming and threatening witnesses etc**

#### **Further provision about intimidation etc**

##### **Police Directions stopping the harassment etc of a person in his home**

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Section 36: Offences of contravening orders

Section 37: Saving for powers to remove a person from the United Kingdom

Section 38: Permitting use of controlled drugs on premises

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Section 48: Extension of child curfews to older children

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- Section 50: Additional powers of seizure from premises
- Section 51: Additional powers of seizure from the person
- Section 52: Notice of exercise of power under section 50 or 51
- Section 53: Examination and return of property seized under s. 50 or 51
- Section 54: Obligation to return items subject to legal privilege
- Section 55: Obligation to return excluded and special procedure material
- Section 56: Property seized by constables etc
- Section 57: Retention of seized items
- Section 58: Person to whom seized property is to be returned
- Section 59: Application to appropriate judicial authority
- Section 60: Cases where duty to secure arises
- Section 61: Duty to secure
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### **PART 2: CONSEQUENTIAL AMENDMENTS**

#### **Code of Practice and Crown Court Rules**

### **PART 3: POLICE AND CRIMINAL EVIDENCE AND THE TERRORISM ACT**

*These notes refer to the Criminal Justice and Police Act 2001 (c.16)*

**Arrestable Offences**

**Importation of indecent or obscene material**

**Detention and arrest**

**Authorisation for delay in notifying arrest**

**Use of video links for proceedings for extending Terrorism Act detention**

**Visual recording of interviews**

**Codes of Practice**

**Fingerprints and DNA**

**Authority for intimate searches**

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**Power to apply 1984 Act Provisions**

**Execution of process in other domestic jurisdictions**

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Section 72: Importation of indecent or obscene material

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Section 78: Taking fingerprints

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Section 83: Provision for Northern Ireland corresponding to s.82

Section 84: Amendment of Terrorism Act 2000 equivalent to s.82

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**PART 4: POLICE TRAINING**

Sections 87 to 96: The Central Police Training and Development Authority

*These notes refer to the Criminal Justice and Police Act 2001 (c.16)*

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Section 89: Setting of objectives by the Secretary of State

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Section 96: Secretary of State's duty to promote efficiency etc of Authority

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Section 97: Regulations for police forces

Section 98: Directions after inspection identifies training needs

*These notes refer to the Criminal Justice and Police Act 2001 (c.16)*

Section 99: Joint provision of training

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Section 102 and Schedule 4: Consequential amendments relating to police training

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Paragraph 2: The Parliamentary Commissioner Act 1967

Paragraph 3: The Superannuation Act 1972

Paragraph 4: The House of Commons Disqualification Act 1975

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Paragraph 6: Amendments of Police Pensions Act 1976

Paragraph 7: The Police Act 1966

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Section 103: Transitional arrangements relating to Authority's establishment etc

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#### **Constitution of the Service Authorities, Financial Provisions, and Directors General for NCIS and NCS**

### **Police Ranks**

### **Pensions for members of NCIS and NCS**

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### **Schedule 5: The Service Authorities for NCIS and NCS**

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Paragraph 3

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Paragraph 6

*These notes refer to the Criminal Justice and Police Act 2001 (c.16)*

Paragraph 7

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Section 109: Transitional provision relating to section 108 etc

Section 110: Preparation of budget statement by NCIS Service Authority

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Section 112: Duty of NCIS Service Authority to prepare accounts

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Section 114: Funding of NCS Service Authority

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Section 116 and 119: Appointment of NCIS and NCS Director General

Sections 117 and 120: Removal of NCIS and NCS members (other than the Directors General)

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### **Juvenile secure remands and electronic monitoring**

#### **Registration for criminal records purposes**

Section 129: Requirement to give reasons for granting or continuing bail.

Section 130: Remands and committals to secure accommodation etc



*These notes refer to the Criminal Justice and Police Act 2001 (c.16)*

Section 131: Monitoring of compliance with bail conditions

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## **COMMENTARY ON SCHEDULES**

## **COMMENCEMENT DATE**