

SCHEDULES

SCHEDULE 7

POWERS OF ARREST: SUPPLEMENTARY

PART 3

AMENDMENTS RELATING TO REFERENCES TO ARRESTABLE OFFENCES AND SERIOUS ARRESTABLE OFFENCES

Criminal Law Act 1826 (c. 64)

- 39 In section 28 of the Criminal Law Act 1826 (which confers power to order the payment of compensation to those who have helped apprehend an offender), for “an arrestable offence” substitute “an indictable offence”.

Criminal Law Act 1967 (c. 58)

- 40 (1) The Criminal Law Act 1967 is amended as follows.
- (2) 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 below, “relevant offence” means—

 - (a) an offence for which the sentence is fixed by law,
 - (b) an offence for which a person of 18 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 section 33 of the Magistrates' Courts Act 1980).”,
 - (c) in subsection (2), for “an arrestable offence” substitute “a relevant offence”.
- (3) 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”.

Port of London Act 1968 (c. xxxii)

- 41 (1) The Port of London Act 1968 is amended as follows.
- (2) In section 2 (interpretation), omit the definition of “arrestable offence”.

- (3) In section 156 (powers of constables), in subsection (2), for “arrestable”, in each place where it occurs, substitute “indictable”.

Solicitors Act 1974 (c. 47)

- 42 (1) The Solicitors Act 1974 is amended as follows.
- (2) In section 13A (imposition of conditions while practising certificates are in force), in subsection (2)(d), for sub-paragraph (ii) substitute—
“*(ii) an indictable offence.*”
- (3) In section 13B (suspension of practising certificates where solicitors convicted of fraud or serious crime), in subsection (1)(a), for sub-paragraph (ii) substitute—
“*(ii) an indictable offence; and*”.

Police and Criminal Evidence Act 1984 (c. 60)

- 43 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 4 (road checks)—
(a) for “a serious arrestable offence”, in each place where it occurs, substitute “an indictable offence”,
(b) in subsection (14), for “serious arrestable offence” substitute “indictable offence”.
- (3) In section 8 (powers to authorise entry and search), for “a serious arrestable offence”, in both places, substitute “an indictable offence”.
- (4) In section 17 (entry for purpose of arrest etc.), in subsection (1)(b), for “arrestable” substitute “indictable”.
- (5) In section 18 (entry and search after arrest), in subsection (1), for “arrestable”, in both places, substitute “indictable”.
- (6) In section 32 (search upon arrest), in subsection (2), for paragraph (b) substitute—
“*(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.*”
- (7) In section 42 (authorisation of continued detention), in subsection (1)(b), for “arrestable” substitute “indictable”.
- (8) In section 43 (warrants of further detention), in subsection (4)(b), for “a serious arrestable offence” substitute “an indictable offence”.
- (9) In section 56 (right to have someone informed when arrested)—
(a) in each of subsections (2)(a) and (5)(a), for “a serious arrestable offence” substitute “an indictable offence”,
(b) in subsection (5A)(a), for “the serious arrestable offence” substitute “the indictable offence”.
- (10) In section 58 (access to legal advice)—

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

- (a) in each of subsections (6)(a) and (8)(a), for “a serious arrestable offence” substitute “an indictable offence”,
 - (b) in subsection (8A)(a), for “the serious arrestable offence” substitute “the indictable offence”.
- (11) In section 114A (power to apply Act to officers of Secretary of State), in subsection (2)(c), for “a serious arrestable offence”, in both places, substitute “an indictable offence”.
- (12) Section 116 (meaning of “serious arrestable offence”) shall cease to have effect.
- (13) In Schedule 1 (special procedure material), in paragraph 2(a)(i), for “a serious arrestable offence” substitute “an indictable offence”.
- (14) Schedule 5 (serious arrestable offences) shall cease to have effect.

Administration of Justice Act 1985 (c. 61)

- 44 In section 16 of the Administration of Justice Act 1985 (conditional licences for licensed conveyancers), in subsection (1)(ia), for “a serious arrestable offence (as defined by section 116 of the Police and Criminal Evidence Act 1984)” substitute “an indictable offence”.

Housing Act 1985 (c. 68)

- 45 In Part 1 of Schedule 2 to the Housing Act 1985 (which sets out grounds upon which a court may, if it considers it reasonable, order possession of dwelling-houses let under secure tenancies), in Ground 2, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

Housing Act 1988 (c. 50)

- 46 In Part 2 of Schedule 2 to the Housing Act 1988 (which sets out grounds on which a court may order possession of dwelling-houses let on assured tenancies), in Ground 14, in paragraph (b)(ii), for “arrestable” substitute “indictable”.

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

- 47 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 137 (cross-border powers of arrest etc.)—
- (a) in subsection (1), for “conditions applicable to this subsection are” substitute “condition applicable to this subsection is”,
 - (b) for subsection (4) substitute—

“(4) The condition applicable to subsection (1) above is that it appears to the constable that it would have been lawful for him to have exercised the powers had the suspected person been in England and Wales.”,
 - (c) in subsection (9), for the definition of ““arrestable offence” and “designated police station”” substitute—

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

““arrestable offence” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (“the 1989 Order”);

“designated police station” has the same meaning as in the Police and Criminal Evidence Act 1984 or, in relation to Northern Ireland, as in the 1989 Order; and”.

- (3) In section 138 (provisions supplementing section 137), in subsection (3), for “subsections (4)(b) and (6)(b)” substitute “subsection (6)(b)”.
- (4) In section 140 (reciprocal powers of arrest), in subsection (1), for “section 24(6) or (7) or 25” substitute “section 24”.
- (5) This paragraph extends to the whole of the United Kingdom.

Terrorism Act 2000 (c. 11)

- 48 (1) In Schedule 8 to the Terrorism Act 2000 (detention), in paragraph 8 (which relates to the rights of a person detained under Schedule 7 to or section 41 of that Act)—
- (a) in sub-paragraph (4), for “serious arrestable offence”, in each place where it occurs, substitute “serious offence”,
 - (b) in sub-paragraph (9), for the words before paragraph (a) substitute “In this paragraph, references to a “serious offence” are (in relation to England and Wales) to an indictable offence, and (in relation to Northern Ireland) to a serious arrestable offence within the meaning of Article 87 of the Police and Criminal Evidence (Northern Ireland) Order 1989; but also include—”.
- (2) This paragraph extends to the whole of the United Kingdom.

International Criminal Court Act 2001 (c. 17)

- 49 (1) The International Criminal Court Act 2001 is amended as follows.
- (2) In section 33 (entry, search and seizure), in subsection (2), for “a serious arrestable offence” substitute “(in the case of Part 2 of the 1984 Act) to an indictable offence or (in the case of Part III of the 1989 Order) to a serious arrestable offence”.
 - (3) In section 55 (meaning of “ancillary offence” under the law of England and Wales), in subsection (5), in each of paragraphs (a) and (b), for “an arrestable offence” substitute “a relevant offence”.
 - (4) This paragraph extends to England and Wales and to Northern Ireland (but not to Scotland).

Armed Forces Act 2001 (c. 19)

- 50 In section 5 of the Armed Forces Act 2001 (power of judicial officer to authorise entry and search of certain premises), in subsection (2)(a), for “a serious arrestable offence for the purposes of the 1984 Act” substitute “an indictable offence”.
- This paragraph has the same extent as the Armed Forces Act 2001.

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

- 51 (1) The Crime (International Co-operation) Act 2003 is amended as follows.
- (2) In section 16 (extension of statutory search powers in England and Wales and Northern Ireland), in subsection (1)—
- (a) for “serious arrestable offences” substitute “indictable offences”,
 - (b) in paragraph (b), for “a serious arrestable offence” substitute “an indictable offence”.
- (3) In section 17 (warrants in England and Wales or Northern Ireland), in subsection (3)
- (a) for paragraph (b) substitute—
 - “(b) the conduct constituting the offence which is the subject of the proceedings or investigation would (if it occurred in England and Wales) constitute an indictable offence, or (if it occurred in Northern Ireland) constitute an arrestable offence, and”,
 - (b) in the definition of “arrestable offence”, omit the words “the Police and Criminal Evidence Act 1984 (c. 60) or (as the case may be)”.
- (4) This paragraph extends to the whole of the United Kingdom.