

## **EXPLANATORY NOTES**

### **POLICE AND JUSTICE ACT 2006**

#### **INTRODUCTION**

#### **SUMMARY**

##### **PART 1 – POLICE REFORM**

##### **PART 2 – POWERS OF POLICE ETC.**

##### **PART 3 – CRIME AND ANTI-SOCIAL BEHAVIOUR**

##### **PART 4 – INSPECTORATES**

##### **PART 5 – MISCELLANEOUS**

##### **PART 6 – SUPPLEMENTAL**

#### **BACKGROUND**

#### **TERRITORIAL EXTENT**

#### **THE ACT**

##### **Commentary on Sections**

##### **PART 1: POLICE REFORM**

Section 1 and Schedule 1: the National Policing Improvement Agency

Paragraph 1: The Agency's Objects

Paragraph 2: The Agency's principal power

Paragraph 3: Meaning of "listed police force" and "restrictedly listed police force" in paragraphs 1 and 2

Paragraph 4: Consultation – exercise of the powers in relation to Scotland and Northern Ireland

Paragraph 5: Annual Plans

Paragraph 6: Strategic Priorities

Paragraph 7: Chairman and other members

Paragraphs 8 to 10: Tenure

*These notes refer to the Police and Justice Act 2006 (c.48)*

Paragraph 11: Re-appointment

Paragraph 12: Remuneration, pensions etc of appointed members

Paragraphs 13 to 16: Staff

Paragraph 17: Status of staff members as constables

Paragraph 18: Constables employed by the agency: conditions of service

Paragraph 19: Regulations for constables employed by the Agency

Paragraph 20: Liability for acts of police members of staff

Paragraph 21: Payment of amounts in connection with unlawful conduct of any staff

Paragraph 22: Committees and sub-committees

Paragraphs 23 and 24: Procedure

Paragraphs 25 and 26: Application of seal and proof of documents

Paragraph 27: Status

Paragraph 28: Annual reports

Paragraph 29: Reports to Secretary of State

Paragraphs 30 to 32: Inspection and post-inspection direction

Paragraph 33: Payments by Secretary of State to the Agency

Paragraph 34: Charges by the Agency and other receipts

Paragraph 35: Payments by Agency to police authorities

Paragraph 36: Accounts

Paragraphs 38 to 42: Property rights and liabilities

Paragraph 43: Effect of transfer of employees

Paragraph 44: Staff on secondment

Paragraph 45: Deciding matters under a scheme

Paragraph 46: Supplementary provision

Paragraph 47: Interpretation

Paragraph 48: Power to modify objects, functions and structure of the Agency

Paragraphs 49 to 92: Consequential amendments

*These notes refer to the Police and Justice Act 2006 (c.48)*

**New Section 16A of Police Reform Act 2002: the Agency and the IPCC**

**New Section 26B of Police Reform Act 2002: National Policing Improvement Agency**

Section 2 and Schedule 2: Amendments to the Police Act 1996

Paragraphs 1 to 6: Membership etc of police authorities

Paragraphs 7 and 8: Functions of police authorities

Paragraphs 9 to 13: Police authorities: objectives, plans and reports

Paragraphs 14 and 15: Appointment of deputy chief constables etc

Paragraphs 16 and 17: Civilian employees of police authorities

Paragraphs 18 to 20: Clerks to police authorities renamed chief executives

Paragraphs 21 to 23: Jurisdiction of special constables

Paragraphs 24 to 26: Secretary of State's strategic functions in relation to police authorities

Paragraphs 27 to 29: Power to give directions to police authority or chief officer of police

**New section 40 of the Police Act 1996: Power to give directions in relation to police force**

**New section 40A of the Police Act 1996: Power to give directions in relation to police authority**

**New Section 40B of the 1996 Act: Procedure for directions under section 40 or 40A**

Paragraph 30: Arrangements for obtaining the views of the community on policing

Section 3: Delegation of police authority functions

Section 4: Police authorities as best value authorities

Section 5 and Schedule 3: Power to merge schemes

Section 6 and Schedule 4: Statutory consultation requirements

Section 7: Standard powers and duties of community support officers

Section 8: Community support officers: power to deal with truants

Section 9 and Schedule 5: Exercise of police powers by civilians

**PART 2: POWERS OF POLICE ETC**

Section 10 and Schedule 6: Police bail

*These notes refer to the Police and Justice Act 2006 (c.48)*

Section 11: Power to detain pending DPP's decision about charging

Section 12: Power to stop and search at aerodromes

Section 13: Supply of information to police etc by Registrar General

Section 14: Information gathering powers: extension to domestic flights and voyages

Section 15: Accreditation of weights and measures inspectors

Schedule 7: Powers exercisable by accredited inspectors

Section 16: Power to apply accreditation provisions

Section 17: Conditional cautions: types of cautions

Section 18: Arrest for failing to comply with conditional caution

### **PART 3: CRIME AND ANTI-SOCIAL BEHAVIOUR**

Section 19: Local authority scrutiny of crime and disorder matters

Schedule 8: Further provision about crime and disorder committees of certain local authorities

Section 20: Guidance and regulations regarding crime and disorder matters

Section 21: Joint crime and disorder committees

Section 22: Amendments to the Crime and Disorder Act 1998

Schedule 9: Amendments to the Crime and Disorder Act 1998

Section 23: Parenting contracts: local authorities and registered social landlords

**New section 25A: Parenting contracts in respect of anti-social behaviour: local authorities**

**New section 25B: Parenting contracts in respect of anti-social behaviour: registered social landlords**

Section 24: Parenting orders: local authorities and registered social landlords

**New section 26A: Parenting orders in respect of anti-social behaviour: local authorities**

**New section 26B: Parenting orders in respect of anti-social behaviour: registered social landlords**

**New section 26C: Applications under section 26A or 26B in county court proceedings**

Section 25: Contracting out of local authority functions with regard to parenting contracts and parenting orders

Section 26: Anti-social behaviour injunctions

*These notes refer to the Police and Justice Act 2006 (c.48)*

Section 27 and Schedule 10: Injunctions in local authority proceedings:  
power of arrest and remand

#### **PART 4: INSPECTORATES**

Section 28: Her Majesty's Chief Inspector of Prisons

#### **PART 5: MISCELLANEOUS**

Section 34: Sentences of imprisonment for bail offences

Section 35: Unauthorised access to computer material

Section 36: Unauthorised acts with intent to impair operation of computer,  
etc

Section 37: Making, supplying or obtaining articles for use in computer  
misuse offences

Section 38: Transitional and saving provision

Section 39: Forfeiture of indecent photographs of children: England and  
Wales

Schedule 11: Schedule to be inserted into the Protection of Children Act 1978

Section 40: Forfeiture of indecent photographs of children: Northern Ireland

Section 41: Immigration and asylum enforcement functions: complaints and  
misconduct

Section 42 and Schedule 13: Amendments to the Extradition Act 2003 etc

Paragraphs 1 and 2: Requests for extradition of persons unlawfully at large

Paragraph 3: Restriction on extradition following transfer from International  
Criminal Court

Paragraphs 4 to 6: Restriction on extradition in cases where trial in United  
Kingdom more appropriate

Paragraph 7: Remand of persons serving sentence in United Kingdom

Paragraph 8: Remands in connection with appeal proceedings

Paragraph 9: Time for extradition

Paragraphs 10 to 14: Extradition of person serving sentence in United  
Kingdom

Paragraphs 15 and 16: "The appropriate judge"

Paragraph 17: Extradition to category 2 territories: requests and certificates

Paragraph 18: Time for representations and consideration of case under Part 2

Paragraph 19: Applications for discharge or for extension of time limit

*These notes refer to the Police and Justice Act 2006 (c.48)*

Paragraph 20: Scotland: references to Secretary of State

Paragraph 21: Issue of part 3 warrant: persons unlawfully at large who may be arrested without domestic warrant

Paragraph 22: Issue of part 3 warrant: domestic warrant issued at common law by judge in Northern Ireland

Paragraph 23: Dealing with person for pre-extradition offences following extradition to UK

Paragraph 24: Extradition requests to territories not applying European framework decision to old cases

Paragraph 25: Extradition of serving prisoners

Paragraph 26: Authentication of receivable documents

Paragraphs 27 to 30: Powers of High Court in relation to bail decisions by magistrates' courts etc

Paragraphs 31 to 33: Credit against sentence for periods of remand in custody of persons extradited to UK

Paragraphs 34 and 35: Amendments consequential on amendments in Part 1

Section 43: Designation of the United States of America

Section 44: Repatriation of foreign national prisoners

Section 45: Attendance by accused at certain preliminary or sentencing hearings

Section 46: Live Link bail

Section 47: Evidence of vulnerable accused

Section 48: Appeals under Part 1 of the Criminal Appeal Act 1968

## **PART 6: SUPPLEMENTAL**

Section 49: Orders and regulations

Section 50: Money

Section 51: Power to make consequential amendments and transitional provisions etc

Section 52 and Schedules 14 and 15: Amendments and repeals

Section 53: Commencement

Section 54: Extent

Section 55: Short title

## **COMMENCEMENT DATE**

*These notes refer to the Police and Justice Act 2006 (c.48)*

**HANSARD REFERENCES**

**ANNEX A GLOSSARY**

**ANNEX B OFFENCES FOR WHICH A PENALTY NOTICE FOR DISORDER MAY  
BE GIVEN**