

SCHEDULES

SCHEDULE 5

Section 12

TRI-SERVICE SERIOUS CRIME UNIT

Police and Criminal Evidence Act 1984 (c.60)

- 1 (1) Section 63A of the Police and Criminal Evidence Act 1984 (fingerprints and samples: supplementary provision) is amended as follows.
- (2) In subsection (1A)—
 - (a) after paragraph (b) insert—

“(ba) the tri-service serious crime unit;”;
 - (b) in paragraph (d), for “(c)” substitute “(ba)”.
- (3) After subsection (1B) insert—

“(1BA) In subsection (1A) “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

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

- 2 (1) Article 63A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprints and samples: supplementary provision) is amended as follows.
- (2) In paragraph (1A)—
 - (a) after sub-paragraph (b) insert—

“(ba) the tri-service serious crime unit;”;
 - (b) in sub-paragraph (c), for “or (b)” substitute “to (ba)”.
- (3) After paragraph (1B) insert—

“(1BA) In paragraph (1A) “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Criminal Appeal Act 1995 (c. 35)

- 3 The Criminal Appeal Act 1995 is amended as follows.
- 4 (1) Section 19 (power to require appointment of investigating officers) is amended as follows.
- (2) After subsection (2) insert—

“(2A) Where the Commission has power to impose a requirement under paragraph (a) of subsection (2) and the public body referred to in that paragraph is mentioned in section 22(4A), that power includes power to impose the requirement on the Provost Marshal for serious crime (instead of the person who is the appropriate person in relation to the public body).”

Status: This is the original version (as it was originally enacted).

- (3) In subsection (4)(b), for the words from “either” to the end substitute “in a body selected by the chief officer which is—
- (i) another police force,
 - (ii) a service police force, or
 - (iii) the tri-service serious crime unit.”
- (4) In subsection (4A)—
- (a) in the words before paragraph (a), for “a Provost Marshal” substitute “the Provost Marshal of a service police force”;
 - (b) in paragraph (a), for the words from “the” to “Marshal” substitute “that service police force”;
 - (c) for paragraph (b) substitute—
 - “(b) a requirement to appoint a person serving in a body selected by the Provost Marshal which is—
 - (i) a police force,
 - (ii) another service police force, or
 - (iii) the tri-service serious crime unit.”
- (5) After subsection (4A) insert—
- “(4B) A requirement under this section imposed on the Provost Marshal for serious crime may be—
- (a) a requirement to appoint a person serving in the tri-service serious crime unit, or
 - (b) a requirement to appoint a person serving either in a police force selected by the Provost Marshal or in a service police force selected by the Provost Marshal.”
- (6) In subsection (5), for paragraph (b) substitute—
- “(b) a requirement to appoint a person serving in a body selected by the appropriate person which is—
- (i) a police force, a service police force or the tri-service serious crime unit, or
 - (ii) a public body (not falling within sub-paragraph (i)) having functions which consist of or include the investigation of offences.”
- (7) In subsection (6)—
- (a) in paragraph (b), for the words from “a police” to “body” substitute “a body mentioned in subsection (4)(b), (4A)(b), (4B)(b) or (5)(b)”;
 - (b) in the words after paragraph (b), after “(4A)” insert “, (4B)”.
- (8) In subsection (7)—
- (a) in the words before paragraph (a), after “body” insert “or by the Provost Marshal for serious crime”;
 - (b) in paragraph (a), after “body” insert “or (as the case requires) the Provost Marshal for serious crime”.
- (9) After subsection (7) insert—
- “(8) In this section “tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

- 5 In section 20 (inquiries by investigating officers), after subsection (2) insert—
- “(2A) In the application of subsection (2) in relation to an investigating officer who is serving in a public body mentioned in section 22(4A), the reference in subsection (2) to the person who is the appropriate person in relation to that public body is to be read as including (so far as necessary) a reference to the Provost Marshal for serious crime.”

Police Act 1997 (c. 50)

- 6 The Police Act 1997 is amended as follows.
- 7 (1) Section 93 (authorisation to interfere with property etc) is amended as follows.
- (2) In subsection (3), after paragraph (aa) insert—
- “(aaa) if the authorising officer is within subsection (5)(eda), by a member of the tri-service serious crime unit;”.
- (3) In subsection (5), after paragraph (ed) insert—
- “(eda) the Provost Marshal for serious crime;”.
- (4) In subsection (6A), in the words before paragraph (a), for “or (ed)” substitute “, (ed) or (eda)”.
- 8 In section 94 (authorisations given in absence of authorising officer), in subsection (2), after paragraph (dc) insert—
- “(dca) where the authorising officer is within paragraph (eda) of that subsection, by a person holding the position of deputy Provost Marshal in the tri-service serious crime unit;”.
- 9 In section 108 (interpretation of Part 3), in subsection (1), at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.
- 10 In section 113B (enhanced criminal record certificates), in subsection (11), after paragraph (b) insert—
- “(ba) the tri-service serious crime unit (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to the Provost Marshal for serious crime);”.
- 11 In section 126 (interpretation of Part 5), in subsection (1), at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Terrorism Act 2000 (c. 11)

- 12 In Schedule 8 to the Terrorism Act 2000 (detention), in paragraph 20J, in the definition of “police force”, after paragraph (l) insert—
- “and references to a police force are to be read as including the tri-service serious crime unit (as described in section 375(1A) of the Armed Forces Act 2006);”.

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

Regulation of Investigatory Powers Act 2000 (c. 23)

- 13 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 14 In section 32 (authorisation of intrusive surveillance), in subsection (6), after paragraph (i) insert—
- “(ia) the Provost Marshal for serious crime;”.
- 15 (1) Section 33 (rules for grant of authorisations) is amended as follows.
- (2) After subsection (1) insert—
- “(1ZZA) A person who is a designated person for the purposes of section 28, 29 or 29B by reference to the person’s office, rank or position with the tri-service serious crime unit must not grant an authorisation under that section except on an application made by a member of that unit.”
- (3) After subsection (3) insert—
- “(3ZZA) The Provost Marshal for serious crime must not grant an authorisation for the carrying out of intrusive surveillance except—
- (a) on an application made by a member of the tri-service serious crime unit; and
- (b) in the case of an authorisation for the carrying out of intrusive surveillance in relation to any residential premises, where those premises are in the area of operation of a police force mentioned in subsection (6)(d).”
- 16 (1) Section 34 (grant of authorisations in the senior officer’s absence) is amended as follows.
- (2) In subsection (1)(a), for “force,” substitute “force (other than a member of the tri-service serious crime unit), a member of the tri-service serious crime unit,”.
- (3) In subsection (2)(a), after “as the case may be, as” insert “Provost Marshal for serious crime or”.
- (4) In subsection (4), after paragraph (h) insert—
- “(ha) a person is entitled to act for the Provost Marshal for serious crime if the person holds the position of deputy Provost Marshal in the tri-service serious crime unit;”.
- 17 (1) Section 35 (notification of authorisations for intrusive surveillance) is amended as follows.
- (2) In subsection (1), after “police,” insert “tri-service serious crime unit,”.
- (3) In subsection (10)—
- (a) in the words before paragraph (a), after “police,” insert “tri-service serious crime unit,”;
- (b) after paragraph (a) insert—
- “(aa) the Provost Marshal for serious crime;”;
- (c) in paragraph (c), after “(a)” insert “or for a person falling within paragraph (aa)”.
- 18 (1) Section 36 (approval required for authorisations to take effect) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—

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- “(aa) a member of the tri-service serious crime unit;”.
- (3) In subsection (6)—
- (a) after paragraph (a) insert—
- “(aa) where the authorisation was granted by the Provost Marshal for serious crime or a person entitled to act for the Provost Marshal for serious crime by virtue of section 34(4)(ha), that Provost Marshal;”;
- (b) in paragraph (f), for “(a) to (i)” substitute “(a) to (h) or (i)”.
- 19 In section 41 (Secretary of State authorisations), in subsection (7), at the end insert “or is a member of the tri-service serious crime unit”.
- 20 In section 56(1)(interpretation of Part 3), in the definition of “chief officer of police”, after paragraph (h) insert—
- “(ha) the Provost Marshal for serious crime;”.
- 21 (1) Section 81 (general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.
- (3) In subsection (6)(b), for the words from “serving” to the end substitute “serving—
- (i) with that force,
- (ii) with another of those police forces, or
- (iii) with the tri-service serious crime unit.”
- 22 In Schedule 1 (regulation of relevant public authorities), after paragraph A1 insert—
- “A1A The tri-service serious crime unit.”

Sexual Offences Act 2003 (c. 42)

- 23 In section 137 of the Sexual Offences Act 2003 (service courts), in subsection (4), at the appropriate place insert—
- ““Provost Marshal” means the Provost Marshal of a service police force or the Provost Marshal for serious crime;”.

Armed Forces Act 2006 (c. 52)

- 24 AFA 2006 is amended as follows.
- 25 (1) Section 93C (preliminary impairment test) is amended as follows.
- (2) In subsection (4), for the words from “means” to the end substitute “means—
- (a) the Provost Marshals of each of the service police forces, and
- (b) the Provost Marshal for serious crime.”
- (3) In subsection (6), at the end insert “or the Provost Marshal for serious crime”.
- 26 In section 113 (CO to ensure service police aware of possibility serious offence committed), in subsection (1), after “police force” insert “or the tri-service serious crime unit”.

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

- 27 In section 114 (CO to ensure service police aware of certain circumstances), in subsection (1), after “police force” insert “or the tri-service serious crime unit”.
- 28 In section 115 (duty of CO with respect to investigation of service offences), in subsections (1)(b) and (4)(b), after “police force” insert “or the tri-service serious crime unit”.
- 29 In section 116 (referral of case following investigation by service or civilian police), in subsection (1), after “service police force” (in each place it occurs) insert “or the tri-service serious crime unit”.
- 30 In section 119 (circumstances in which CO has power to charge etc), in subsection (3) (b), after “force” insert “or the tri-service serious crime unit”.
- 31 In section 321A (inspection of service police investigations), at the end insert—
 “(5) For the purposes of this section the tri-service serious crime unit is to be regarded as a service police force.”
- 32 In section 374 (definitions applying for purposes of whole Act), at the appropriate place insert—
 ““tri-service serious crime unit” means the unit described in section 375(1A);”.

Counter-Terrorism Act 2008 (c. 28)

- 33 In section 18E of the Counter-Terrorism Act 2008 (sections 18 to 18E: supplementary provisions) subsection (1) is amended as follows.
- 34 In the definition of “law enforcement authority”, after paragraph (a) insert—
 “(aa) the tri-service serious crime unit;”.
- 35 In the definition of “the responsible officer”, after paragraph (d) insert—
 “(da) in relation to material obtained or acquired by the tri-service serious crime unit, the Provost Marshal for serious crime;”.
- 36 At the appropriate place insert—
 ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Coroners and Justice Act 2009 (c. 25)

- 37 The Coroners and Justice Act 2009 is amended as follows.
- 38 In section 47 (interested person), in subsection (2)(j), at the end insert “of a service police force or of the tri-service serious crime unit”.
- 39 In section 48 (interpretation: general), in subsection (1), at the appropriate place insert—
 ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”
- 40 In Schedule 1 (duty or power to suspend investigations), in paragraph 1(3), after “Provost Marshal” insert “of a service police force, the Provost Marshal for serious crime”.

- 41 In Schedule 7 (allowances, fees and expenses), in paragraph 5(2)(a), for “or a member of a police force,” substitute “member of a police force or member of the tri-service serious crime unit.”

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

- 42 In Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (fingerprints and samples), in paragraph 14—
- (a) in the definition of “police force”, after paragraph (l) insert—
- “and references to a police force are to be read as including the tri-service serious crime unit;”;
- (b) at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Investigatory Powers Act 2016 (c. 25)

- 43 The Investigatory Powers Act 2016 is amended as follows.
- 44 In section 56 (exclusion of matters from legal proceedings etc), in subsection (3)(d), at the end insert “or the tri-service serious crime unit”.
- 45 In section 57 (duty not to make unauthorised disclosures), in subsection (3)(c), at the end insert “or the tri-service serious crime unit”.
- 46 In section 263 (general definitions), in subsection (1), at the appropriate place insert—
- ““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”.
- 47 In Schedule 4 (relevant public authorities and designated senior officers etc.), in the table in Part 1, after the entry relating to the Royal Air Force Police insert—

| | | | | | |
|---------------------------------|-----------------------------|----------------------|-------------|------------------|---------------------|
| “Tri-service serious crime unit | 60A(7)(a), (b), (c) and (e) | Lieutenant Commander | Entity data | 61(7)(a) and (c) | 61A(7)(a) and (c) |
| | | Major | Entity data | 61(7)(a) and (c) | 61A(7)(a) and (c) |
| | | Squadron leader | Entity data | 61(7)(a) and (c) | 61A(7)(a) and (c) |
| | | Commander | All | 61(7)(a) and (c) | 61A(7)(a) and (c) |
| | | Lieutenant colonel | All | 61(7)(a) and (c) | 61A(7)(a) and (c) |
| | | Wing commander | All | 61(7)(a) and (c) | 61A(7)(a) and (c)”. |

- 48 In Part 1 of the table in Schedule 6 (issue of warrants under section 106 etc), after the entry relating to the Provost Marshal of the Royal Air Force Police insert—

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

| | | |
|-----------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------|
| “The Provost Marshal for serious crime. | A person holding the position of deputy Provost Marshal in the tri-service serious crime unit. | A member of the tri-service serious crime unit.” |
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Data Protection Act 2018 (c. 12)

49 In Schedule 7 to the Data Protection Act 2018 (competent authorities), after paragraph 15 insert—

“15A The Provost Marshal for serious crime.”

Counter-Terrorism and Border Security Act 2019 (c. 3)

50 In Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security), in paragraph 51—

(a) in the definition of “police force”, after paragraph (l) insert—

“and references to a police force are to be read as including the tri-service serious crime unit;”;

(b) at the appropriate place insert—

““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Crime (Overseas Production Orders) Act 2019 (c. 5)

51 (1) Section 15 of the Crime (Overseas Production Orders) Act 2019 (application of Act to service police) is amended as follows.

(2) For subsection (3)(c) substitute—

“(c) references to an equivalent appropriate officer are to be read as follows—

(i) where the person who applied for the order or, as the case may be, made the application (“the applicant”) was a member of the tri-service serious crime unit, as references to a member of that unit;

(ii) in any other case, as references to a member of the same service police force as the applicant who is not a member of that unit.”

(3) In subsection (7), at the appropriate place insert—

““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.”

Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23)

52 In section 7 of the Overseas Operations (Service Personnel and Veterans) Act 2021 (general interpretation etc), in subsection (4)—

(a) in the definition of “investigating authority”, after paragraph (a) insert—

“(aa) the tri-service serious crime unit;”;

(b) at the appropriate place insert—

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

““tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;”.