

2005 No. 3389

POLICE, ENGLAND AND WALES

**The Serious Organised Crime and Police Act 2005
(Powers of Arrest) (Consequential Amendments) Order 2005**

<i>Made</i> - - - -	<i>7th December 2005</i>
<i>Laid before Parliament</i>	<i>8th December 2005</i>
<i>Coming into force</i> - -	<i>1 January 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 173 of the Serious Organised Crime and Police Act 2005(a):

Citation, commencement and extent

1.—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Powers of Arrest) (Consequential Amendments) Order 2005 and shall come into force on 1st January 2006.

(2) This Order extends to England and Wales.

Police and Criminal Evidence Act 1984 (Application to Customs and Excise) Order 1985

2.—(1) The Police and Criminal Evidence Act 1984 (Application to Customs and Excise) Order 1985(b) is amended as follows.

(2) In article 7 for “arrestable”, in both places where it occurs, there is substituted “indictable”.

(3) In article 12 and Schedule 1(c) for the words “section 24(6)” there is substituted “section 24(2)”.

Serbia and Montenegro (United Nations Sanctions) Order 1992

3. Article 17(13) of the Serbia and Montenegro (United Nations Sanctions) Order 1992(d) is revoked.

United Nations Arms Embargoes (Liberia, Somalia and the Former Yugoslavia) Order 1993

4. Article 10(12) of the United Nations Arms Embargoes (Liberia, Somalia and the Former Yugoslavia) Order 1993(e) is revoked.

(a) 2005 c. 15.
(b) S.I. 1985/1800.
(c) Article 12 was inserted by, and Schedule 1 was amended by, S.I. 1995/3217.
(d) S.I. 1992/1302.
(e) S.I. 1993/1787.

Channel Tunnel (International Arrangements) Order 1993

5. In paragraph 2(1)(c) of Part 1 of Schedule 3 to the Channel Tunnel (International Arrangements) Order 1993(a), for the words “arrestable offence (within the meaning of section 24 of the 1984 Act)” there is substituted “indictable offence”.

Libya (United Nations Sanctions) Order 1993

6. Article 19(12) of the Libya (United Nations Sanctions) Order 1993(b) is revoked.

Channel Tunnel (Security) Order 1994

7. In articles 14(11) and 15(11)(a) of the Channel Tunnel (Security) Order 1994(c), for the words “sections 17, 24 and 25” there is substituted “sections 17, 24 and 24A”.

Haiti (United Nations Sanctions) Order 1994

8. Article 17(12) of the Haiti (United Nations Sanctions) Order 1994(d) is revoked.

Conservation (Natural Habitats, &c) Regulations 1994

9. In regulation 101(2) of the Conservation (Natural Habitats, &c) Regulations 1994(e) for the words “section 25” there is substituted “section 24”.

United Nations (International Tribunal) (Former Yugoslavia) Order 1996

10.—(1) The United Nations (International Tribunal) (Former Yugoslavia) Order 1996(f) is amended as follows.

(2) In sub-paragraph (a) of article 16(1) for the words—

- (a) “serious arrestable offences” there is substituted “indictable offences”; and
- (b) “a serious arrestable offence” there is substituted “an indictable offence”.

(3) In sub-paragraph (b) of article 16(2) for the words “an arrestable offence within the meaning of the said Act of 1984” there is substituted “an indictable offence”.

United Nations (International Tribunal) (Rwanda) Order 1996

11.—(1) The United Nations (International Tribunal) (Rwanda) Order 1996(g) is amended as follows.

(2) In sub-paragraph (a) of article 16(1) for the words—

- (a) “serious arrestable offences” there is substituted “indictable offences”; and
- (b) “a serious arrestable offence” there is substituted “an indictable offence”.

(3) In sub-paragraph (b) of article 16(2) for the words “an arrestable offence within the meaning of the said Act of 1984” there is substituted “an indictable offence”.

(a) S.I. 1993/1813
(b) S.I. 1993/2807.
(c) S.I. 1994/570
(d) S.I. 1994/1323.
(e) S.I. 1994/2716.
(f) S.I. 1996/716.
(g) S.I. 1996/1296.

Police and Criminal Evidence Act 1984 (Application to Armed Forces) Order 1997

12. In column 2 of the Schedule to the Police and Criminal Evidence Act 1984 (Application to Armed Forces) Order 1997(a), for “a serious arrestable offence”, in each place where it occurs, there is substituted “an indictable offence”.

Federal Republic of Yugoslavia (United Nations Sanctions) Order 1998

13. Article 12(12) of the Federal Republic of Yugoslavia (United Nations Sanctions) Order 1998(b) is revoked.

Iraq (United Nations Sanctions) Order 2000

14. Article 11(6) of the Iraq (United Nations Sanctions) Order 1994(c) is revoked.

Terrorism (United Nations Measures) Order 2001

15. Article 10(10) of the Terrorism (United Nations Measures) Order 2001(d) is revoked.

Al-Qa’ida and Taliban (United Nations Measures) Order 2002

16. Article 20(13) of the Al-Qa’ida and Taliban (United Nations Measures) Order 2002(e) is revoked.

Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002

17. In the definition of “DTI Investigation” in article 2 of the Police and Criminal Evidence Act 1984 (Department of Trade and Industry Investigations) Order 2002(f), for “a serious arrestable offence”, in both places, there is substituted “an indictable offence”.

Somalia (United Nations Sanctions) Order 2002

18. Article 16(12) of the Somalia (United Nations Sanctions) Order 2002(g) is revoked.

Iraq (United Nations Sanctions) Order 2003

19. Article 20(12) of the Iraq (United Nations Sanctions) Order 2003(h) is revoked.

Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

20. In article 5(3) of the Nationality, Immigration and Asylum (Juxtaposed Controls) Order 2003(i), for “a serious arrestable offence” there is substituted “an indictable offence”.

Extradition Act 2003 (Police Powers) Order 2003

21. In article 2(3) of the Extradition Act 2003 (Police Powers) Order 2003(j), for “a serious arrestable offence”, in both places, there is substituted “an indictable offence”.

(a) S.I. 1997/15.
(b) S.I. 1998/1065.
(c) S.I. 2000/3241.
(d) S.I. 2001/3365.
(e) S.I. 2002/111.
(f) S.I. 2002/2326.
(g) S.I. 2002/2628.
(h) S.I. 2003/1519.
(i) S.I. 2003/2818.
(j) S.I. 2003/3106.

Liberia (United Nations Sanctions) Order 2004

22. Article 15(12) of the Liberia (United Nations Sanctions) Order 2004(a) is revoked.

Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004

23. For paragraph (2) of regulation 4 of the Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004(b), there is substituted the following paragraph—

“(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence (Northern Ireland Order) 1989, Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Order.”

Liberia (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004

24. For paragraph (2) of regulation 4 of the Liberia (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004(c), there is substituted the following paragraph—

“(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence (Northern Ireland Order) 1989, Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Order.”

Zimbabwe (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004

25. For paragraph (2) of regulation 4 of the Zimbabwe (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004(d), there is substituted the following paragraph—

“(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence (Northern Ireland Order) 1989, Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Order.”

Police (Complaints and Misconduct) Regulations 2004

26.—(1) The Police (Complaints and Misconduct) Regulations 2004(e) are amended as follows.

(2) In regulation 1(2) the following definition is inserted before the definition of “working day”—

““a relevant offence” means—

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

(a) S.I. 2004/348.
(b) S.I. 2004/373.
(c) S.I. 2004/432.
(d) S.I. 2004/559.
(e) S.I. 2004/643.

- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates' Courts Act 1980(a));”.
- (3) For paragraph (v) of regulation 2(2)(a), there is substituted the following paragraph—
“(v) a relevant offence, or”.
- (4) For sub-paragraph (e) of regulation 5(1), there is substituted the following sub-paragraph—
“(e) a relevant offence;”.

Ministry of Defence Police (Conduct) Regulations 2004

27. For regulation 24(2)(c)(iii) of the Ministry of Defence Police (Conduct) Regulations 2004(b), there is substituted the following paragraph—

“(iii) an indictable offence.”

Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004

28. For paragraph (2) of regulation 4 of the Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004(c), there is substituted the following paragraph—

“(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence (Northern Ireland Order) 1989, Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Order.”

Ivory Coast (United Nations Sanctions) Order 2005

29. Article 9(12) of the Ivory Coast (United Nations Sanctions) Order 2005(d) is revoked.

Sudan (United Nations Measures) Order 2005

30. Article 10(6) of the Sudan (United Nations Measures) Order 2005(e) is revoked.

Democratic Republic of the Congo (United Nations Measures) Order 2005

31. Article 10(6) of the Democratic Republic of the Congo (United Nations Measures) Order 2005(f) is revoked.

Home Office
7th December 2005

Hazel Blears
Minister of State

(a) 1980 c. 43.
(b) S.I. 2004/653.
(c) S.I. 2004/1315.
(d) S.I. 2005/253.
(e) S.I. 2005/1259.
(f) S.I. 2005/1517.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 110 of the Serious Organised Crime and Police Act 2005 (“the 2005 Act”) inserts a new section 24 into the Police and Criminal Evidence Act 1984. The new section 24 removes the distinction between criminal offences which are arrestable and those which are not and provides that a constable may, provided certain criteria are met, arrest a person in relation to any criminal offence.

Section 111 of, and Schedule 7 to, the 2005 Act make a number of consequential amendments to primary legislation and repeal those powers of arrest which are not contained within PACE and which apply to constables.

This Order makes equivalent consequential amendments to secondary legislation.

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