Draft Order laid before Parliament under section 65A(4) of the Police and Criminal Evidence Act 1984, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

POLICE, ENGLAND AND WALES

The Police and Criminal Evidence Act 1984 (Amendment: Qualifying Offences) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the power conferred by section 65A(3) of the Police and Criminal Evidence Act 1984(**1**).

In accordance with section 65A(4) of that Act, a draft of this Order was laid before Parliament and was approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Amendment: Qualifying Offences) Order 2013 and comes into force on the fourteenth day after the day on which it is made.

Amendment of the Police and Criminal Evidence Act 1984

2.—(1) Section 65A(2) of the Police and Criminal Evidence Act 1984 (qualifying offences) is amended as follows.

(2) After paragraph (d) insert—

"(da) an offence of indecent exposure;

(db) an offence under section 4 of the Vagrancy Act 1824(**2**), committed by a person by wilfully, openly, lewdly, and obscenely exposing his person with intent to insult any female;

(dc) an offence under section 28 of the Town Police Clauses Act 1847(**3**), committed by a person by wilfully and indecently exposing his person;".

(**1**) 1984 c. 60; section 65A was inserted by section 7 of the Crime and Security Act 2010 (c. 17).
(**2**) 1824 c. 83; section 4 was amended by Schedule 3 to the Criminal Justice Act 1925 (c. 86) and by paragraph 1 of Schedule 6 to the Sexual Offences Act 2003 (c. 42); there are other amendments but none is relevant.
(**3**) 1847 c. 89; section 28 was amended by paragraph 3 of Schedule 6 to the Sexual Offences Act 2003 (c. 42); there are other amendments but none is relevant.

(3) After paragraph (f) insert—

"(fa) an offence under section 1 of the Infant Life (Preservation) Act 1929(**4**);".

(4) After paragraph (g) insert—

"(ga) an offence under section 1 of the Infanticide Act 1938(**5**);

(gb) an offence under section 12 or 13 of the Sexual Offences Act 1956(**6**), other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over;

(gc) an offence under any other section of that Act, other than sections 18 and 32;

(gd) an offence under section 128 of the Mental Health Act 1959(**7**);

(ge) an offence under section 1 of the Indecency with Children Act 1960(**8**);".

(5) After paragraph (h) insert—

"(ha) an offence under section 5 of the Sexual Offences Act 1967(**9**);".

(6) After paragraph (j) insert—

"(ja) an offence under section 1(1) of the Genocide Act 1969(**10**);".

(7) After paragraph (k) insert—

"(ka) an offence under section 54 of the Criminal Law Act 1977(**11**);".

(8) After paragraph (n) insert—

"(na) an offence under section 1 of the Prohibition of Female Circumcision Act 1985(**12**);

(nb) an offence under section 1 of the Public Order Act 1986(**13**);".

(9) After paragraph (o) insert—

"(oa) an offence under section 3 of the Sexual Offences (Amendment) Act 2000(**14**);

(ob) an offence under section 51 of the International Criminal Court Act 2001(**15**);

(oc) an offence under section 1, 2 or 3 of the Female Genital Mutilation Act 2003(**16**);".

(**4**) 1929 c. 34.
(**5**) 1938 c. 36.
(**6**) 1956 c. 59; sections 7 and 45 were substituted, and section 8 was repealed, by section 127(1) of the Mental Health Act 1959 (c. 72); section 18 was repealed by section 11(c) of the Family Law Reform Act 1969 (c. 46); section 40 was repealed, and section 43 was amended, by Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60); sections 19, 20, 21, 28 and 43 were amended, section 38 was repealed and section 46A was inserted by paragraphs 11 to 17 of Schedule 12 to, and by Schedule 15 to, the Children Act 1989 (c. 41); sections 1 to 7, 9 to 17, 19 to 32 and 41 to 47 were repealed by paragraph 11(a) of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003, and section 33A was inserted by section 55(2) of that Act; sections 35 and 52 were amended by Part 3 of Schedule 1 to the Statute Law (Repeals) Act 2008 (c. 12); there are other amendments but none is relevant.
(**7**) 1959 c. 72; section 28 was repealed by paragraph 13 of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003.
(**8**) 1960 c. 33; this Act was repealed by paragraph 14 of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003.
(**9**) 1967 c. 60; section 5 was repealed by paragraph 15(c) of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003.
(**10**) 1969 c. 12; this Act was repealed by Schedule 10 to the International Criminal Court Act 2001 (c. 17).
(**11**) 1977 c. 45; section 54 was repealed by paragraph 21 of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003.
(**12**) 1985 c. 38; this Act was repealed by section 7(1) of the Female Genital Mutilation Act 2003 (c. 31).
(**13**) 1986 c. 64.
(**14**) 2000 c. 44; section 3 was repealed by paragraph 45(4) of Schedule 6 to, and by Schedule 7 to, the Sexual Offences Act 2003.
(**15**) 2001 c. 17.
(**16**) 2003 c. 31.