

# Legislation Reference

Columns: Statute | Section(s) | Breach / Agency | Full legislative text (as published: 2005)

| Statute                    | Section(s)                          | Breach / Agency  | Full legislative text   |
|----------------------------|-------------------------------------|--|---|
| Fraud Act 2006             | s.1 (General offence of fraud)      | Flagship Housing Group (ASB function) — use of dishonest representations alleged in civil process.               | <b>Section 1 — Fraud</b><br>“(1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).” [Sections 2–4].  |
| Fraud Act 2006             | s.2 (Fraud by false representation) | Flagship Housing Group (ASB function) — false representations alleged in statements/letters to obtain advantage. | <b>Section 2 — Fraud by false representation</b><br>“(1) A person is in breach of this section if he—<br>(a) dishonestly makes a false representation, and<br>(b) intends, by making the representation—<br>(i) to make a gain for himself or another, or<br>(ii) to cause loss to another or to expose another to a risk of loss.<br>(2) A representation is false if —<br>(a) it is untrue or misleading, and<br>(b) the person making it knows that it is, or might be, untrue or misleading.” |
| Perjury Act 1911           | s.1 (Perjury)                       | Civil process materials — if sworn evidence is proved knowingly false.   | <b>Section 1 — Perjury</b><br>“(1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true, he shall be guilty of perjury ...”   |
| Civil Procedure Rules 1998 | r.32.14 (False statements)          | Flagship Housing Group (ASB function) — document verified by statement of truth alleged to contain falsehoods.   | <b>Rule 32.14 — False statements</b><br>“Proceedings for contempt of court may be brought against a person if he makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”  |

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| Civil Procedure Rules — Practice Direction 22 | PD22 para 3.8–3.9 (Signing SoT)                          | Flagship Housing Group (ASB function) — compliance with SoT signature requirements.               | <b>PD22 (extract)</b><br>“3.8 The individual who signs a statement of truth must print their full name clearly beneath their signature... 3.9 A legal representative who signs a statement of truth must sign in their own name and not that of their firm or employer.”   |
| Human Rights Act 1998 (Sch.1 ECHR)            | Article 5 (Right to liberty and security)                | Norfolk & Suffolk Police / NSFT — alleged unlawful arrest or detention.                           | <b>Article 5(1)</b><br>“Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law ...”  |
| Human Rights Act 1998 (Sch.1 ECHR)            | Article 6 (Right to a fair trial)                        | Civil process — fairness, equality of arms, legal assistance.                                     | <b>Article 6(1)</b><br>“Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law ...”  |
| Human Rights Act 1998 (Sch.1 ECHR)            | Article 8 (Right to respect for private and family life) | Norfolk & Suffolk Police / NSFT — alleged misuse or disclosure of private information.            | <b>Article 8(1)</b><br>“Everyone has the right to respect for his private and family life, his home and his correspondence.”   |
| Data Protection Act 2018                      | s.170 (Unlawful obtaining, disclosure, etc.)             | Norfolk & Suffolk Police → third parties; NSFT — alleged unlawful obtaining/disclosure/retention. | <b>Section 170(1) (extract)</b><br>“It is an offence for a person knowingly or recklessly—<br>(a) to obtain or disclose personal data without the consent of the controller,<br>(b) to procure the disclosure of personal data to another person without the consent of the controller, or<br>(c) after obtaining personal data, to retain it without the consent of the person who was the controller in relation to the personal data ...” |
| UK GDPR (retained EU law)                     | Article 5(1) (Principles)                                | NSFT / Police / Housing — alleged processing contrary to core principles.                         | <b>Article 5(1) (extract)</b><br>“Personal data shall be: (a) processed lawfully, fairly and in a transparent manner ... (b) collected for specified, explicit and legitimate purposes ... (‘purpose limitation’); (c) adequate, relevant and limited to what is necessary ... (‘data  |

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|                        |  |  | minimisation’); (d) accurate and, where necessary, kept up to date ... (‘accuracy’); (e) kept in a form which permits identification ... no longer than is necessary ... (‘storage limitation’); (f) processed in a manner that ensures appropriate security ... (‘integrity and confidentiality’).”   |
| Equality Act 2010      | s.149 (Public Sector Equality Duty)      | Public authorities (Police / NHS / Local Authority) — failure to have due regard.                | <b>Section 149(1) (extract)</b><br>“A public authority must, in the exercise of its functions, have due regard to the need to— (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” |
| Equality Act 2010      | s.26 (Harassment)                        | Public body / Housing provider — course of unwanted conduct related to protected characteristic. | <b>Section 26(1) (extract)</b><br>“A person (A) harasses another (B) if— (a) A engages in unwanted conduct related to a relevant protected characteristic, and (b) the conduct has the purpose or effect of— (i) violating B’s dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.”   |
| Mental Health Act 1983 | s.135 (Warrant to search for and remove) | Police / AMHP / NSFT — use of warrant powers and removal to a place of safety.                   | <b>Section 135(1) (extract)</b><br>“If it appears to a justice of the peace, on information on oath laid by an [approved mental health professional], that there is reasonable cause to suspect that a person believed to be suffering from mental disorder ... is being ill-treated, neglected or kept otherwise than under proper control ... the justice may issue a warrant authorising any constable ... to enter ... and, if thought fit, to   |

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|                                      |  |   | remove the patient to a place of safety.”   |
| Mental Health Act 1983               | s.136 (Mentally disordered persons found in public places)                     | Police — removal to/place of safety; detention time limits.                     | <b>Section 136(1) (extract)</b><br>“If a constable finds in a place to which the public have access a person who appears to him to be suffering from mental disorder and to be in immediate need of care or control, the constable may ... remove that person to a place of safety ...”   |
| Criminal Justice and Courts Act 2015 | s.26 (Corrupt or other improper exercise of police powers and privileges)      | Norfolk & Suffolk Police — improper exercise of police powers (if proved).      | <b>Section 26 (extract)</b><br>“(1) A police constable listed in subsection (3) commits an offence if— (a) the constable exercises the powers and privileges of a constable improperly, and (b) the constable knows that the exercise is improper.”   |
| Malicious Communications Act 1988    | s.1 (Offence of sending letters etc. with intent to cause distress or anxiety) | Housing provider / third parties — harmful communications (as alleged).         | <b>Section 1(1) (extract)</b><br>“Any person who sends to another person— (a) a letter, electronic communication or article of any description which conveys— (i) a message which is indecent or grossly offensive; (ii) a threat; or (iii) information which is false and known or believed to be false by the sender, is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should cause distress or anxiety to the recipient ...” |
| Communications Act 2003              | s.127 (Improper use of public electronic communications network)               | Any person — offensive/menacing messages via a public network (if relied upon). | <b>Section 127(1) (extract)</b><br>“A person is guilty of an offence if he— (a) sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character ...”  |
| Police Reform Act 2002               | Part 2 (Complaints and Misconduct) — selected provisions                       | IOPC/PSD framework engaged by the conduct described.                            | <b>Part 2 (extract)</b><br>Provides for the handling of complaints and conduct matters concerning persons serving with the police, including duties on appropriate authorities and functions of the   |

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|  |   |   | Independent Office for Police Conduct.   |
| Housing Act 1988                               | Schedule 2, Ground 7A (Mandatory ground—ASB etc.)             | Housing provider — reliance on specified ASB convictions/breaches to seek possession. | <b>Schedule 2 Ground 7A (extract)</b><br>Sets out circumstances in which the court must order possession where certain serious anti-social behaviour—related conditions are met (including specified convictions, breach of injunctions or closure orders).  |
| Police and Criminal Evidence Act 1984 — Code G | Necessity test (statutory power of arrest by police officers) | Norfolk & Suffolk Police — alleged arrests not meeting necessity criteria.            | <b>Code G (extract)</b><br>The arresting officer must be satisfied that arrest is necessary for one or more specified reasons (e.g., to allow the prompt and effective investigation of the offence, to prevent physical injury, to protect a child or vulnerable person, to ascertain name/address, etc.) and must be able to justify that necessity. |

## Notes

1. Column 3 names the *agency* unless an individual's identity and role are confirmed beyond doubt.
2. Text in Column 4 is the operative wording (or the essential extract) of the cited provision.