

*Draft Order laid before Parliament under section 172(5) of the Serious Organised Crime and Police Act 2005, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**CRIMINAL LAW  
POLICE**

**The Serious Organised Crime and Police  
Act 2005 (Amendment) Order 2005**

*Made* - - - - 2005  
*Coming into force* - - 1st January 2006

This Order is made in exercise of the powers conferred by section 173 of the Serious Organised Crime and Police Act 2005(1).

The Secretary of State has consulted with the Scottish Ministers in accordance with section 173(4) of that Act.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 172(5) of that Act.

Accordingly the Secretary of State makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Amendment) Order 2005 and shall come into force on 1<sup>st</sup> January 2006.

(2) Subject to paragraphs (3) and (4), this Order extends to England and Wales only.

(3) This article and articles 3 and 5 extend also to Scotland.

(4) This article and articles 4, 5 and 6 extend also to Northern Ireland.

**Amendments to the Serious Organised Crime and Police Act 2005**

2. In section 142(2) of the Serious Organised Crime and Police Act 2005, for the words from “subsection (1)” to “of this Act)” substitute “subsection (1A) of section 1 of that Act (anti-social behaviour orders)”.

3. In section 179(3)(a) of the Serious Organised Crime and Police Act 2005, for “, 57 and” substitute “and 56 to”.

4. In section 179(5)(a) of the Serious Organised Crime and Police Act 2005, for “, 57 and” substitute “and 56 to”.

5. In Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (other repeals and revocations), in the entry relating to the Proceeds of Crime Act 2002(2)–

- (a) after “In section 330”, omit “subsection (5)(b), and,”,
- (b) omit the entries relating to sections 331 and 332, and
- (c) after “In Schedule 11, paragraphs”, omit “3(3),”.

#### **Amendments to the Police Act 1997**

6.—(1) In section 113C(3)(e) of the Police Act 1997(3), after “in pursuance of” insert “the law of”.

(2) In section 125(6) of the Police Act 1997(4), for “subsection (3)” substitute “subsection (4)”.

#### **Amendments to the Police and Criminal Evidence Act 1984**

7.—(1) Section 15 of the Police and Criminal Evidence Act 1984(5) is amended as follows.

(2) In subsection (2A)(6)–

- (a) for paragraph (a) substitute—
  - “(a) if the application relates to one or more sets of premises specified in the application, each set of premises which it is desired to enter and search;”, and
  - (b) in paragraph (b), for the words from the beginning to “Schedule 1 below–” substitute “if the application relates to any premises occupied or controlled by a person specified in the application–”.

(3) In subsection (7)(7), for the words “specific premises warrant (see section 8(1A)(a) above)” substitute “warrant”.

8. In section 16(9)(8) of the Police and Criminal Evidence Act 1984, omit “specific premises”.

Home Office  
2005

Parliamentary Under Secretary of State

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(2) [2002 c.29](#).  
 (3) [1997 c. 50](#); section 113C is prospectively inserted into the Police Act 1997 by section 163 of the Serious Organised Crime and Police Act 2005.  
 (4) Section 125(6) is prospectively inserted into the Police Act 1997 by paragraph 14 of Schedule 14 to the Serious Organised Crime and Police Act 2005.  
 (5) [1984 c. 60](#).  
 (6) Subsection (2A) is prospectively inserted by section 113(7) of the Serious Organised Crime and Police Act 2005.  
 (7) Subsection (7) is prospectively inserted by section 114(7) of the Serious Organised Crime and Police Act 2005.  
 (8) Section 16(9) is prospectively amended by section 113(9) of the Serious Organised Crime and Police Act 2005.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which comes into force on 1<sup>st</sup> January 2006, amends the Serious Organised Crime and Police Act 2005, and provisions in the Police Act 1997 and Police and Criminal Evidence Act 1984 which are prospectively inserted by the Serious Organised Crime and Police Act 2005.

Article 2 corrects a minor typographical error in section 142 (contracting out of local authority functions relating to anti-social behaviour orders) of the Serious Organised Crime and Police Act 2005.

Articles 3 and 4 correct minor errors in section 179 (extent) of the Serious Organised Crime and Police Act 2005 and article 5 removes some entries which were included in error in Schedule 17 (repeals) and which relate to the Proceeds of Crime Act 2002.

Articles 6 corrects minor typographical errors in provisions in Part 5 of the Police Act 1997 which are inserted by the Serious Organised Crime and Police Act 2005.

Articles 7 and 8 correct minor drafting errors in sections 15 and 16 of the Police and Criminal Evidence Act 1984 as amended by the Serious Organised Crime and Police Act 2005.