



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART V

#### SUPPLEMENTARY

#### **94 Commencement and transitional provisions**

- (1) Except as provided by subsections (2) and (3) below, the preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions of this Act—  
Part IV and Schedule 8, and  
Part II of Schedule 9 and section 93 so far as it relates to that Part of that Schedule, shall come into force on such day as the Lord Chancellor may by order appoint.
- (3) The following provisions of this Act—
  - (a) section 3 and Schedule 2, so far as they relate to—
    - (i) the power to make orders under the section inserted by section 3, or
    - (ii) the power to make regulations under paragraph 11 of the Schedule entitled Schedule 1C set out in Schedule 2,
  - (b) sections 13 and 50,
  - (c) sections 26 and 60, subsections (4) and (7)(a) of section 63, and paragraphs 17 to 20 of Schedule 5, so far as they relate to service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967, and
  - (d) section 44, so far as it relates to paragraphs 17 to 20 of Schedule 5,shall come into force on the passing of this Act.
- (4) An order under subsection (1) or (2) above may appoint different days for different purposes or different areas.

- (5) The power to make orders under subsection (1) or (2) above includes power to make such transitional provisions and savings as appear to the Secretary of State or, as the case may be, the Lord Chancellor to be necessary or expedient.
- (6) Without prejudice to the generality of subsection (5) above, an order under subsection (1) above may make provision—
- (a) for the co-existence, for such period as may be prescribed by the order, of the police authorities to be established under section 3 of the Police Act 1964 (“the new police authorities”) and the police authorities which they are to supersede (“the old police authorities”); for the division of functions between them; for the performance by the old police authorities, before the new police authorities come into existence, of functions prescribed by the order and for consequential and supplementary matters (including the modification of the application in relation to them of provisions of this or any other Act or of any instrument);
  - (b) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (c) for the transfer of members of police forces and other persons;
  - (d) as to pending legal proceedings;
  - (e) for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (f) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (e) above.
- (7) Without prejudice to the generality of subsection (5) above, an order under subsection (2) above may make provision—
- (a) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (b) for the Lord Chancellor, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (c) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (b) above.
- (8) An order under this section shall be made by statutory instrument which, if the order contains provisions made by virtue of subsections (5) to (7) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.