

## SCHEDULES

### SCHEDULE 8

Section 103.

#### TRANSITIONAL PROVISIONS, SAVINGS ETC.

#### PART I

##### GENERAL PROVISIONS

##### *Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions in this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act, or
  - (b) to things done or falling to be done under or for the purposes of any provision of this Act,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,
- as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—
- (a) to any provision repealed and re-enacted by this Act, or
  - (b) to things done or falling to be done under or for the purposes of any such provision,
- shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—
- (i) to that corresponding provision, or
  - (ii) to things done or falling to be done under or for the purposes of that corresponding provision,

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as the case may be.

- (5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- (6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the Interpretation Act 1978 (but are without prejudice to any other provision of that Act).
- (7) This paragraph is to be read subject to the provisions of any order made under section 104 or under paragraph 11 below.

*General saving for old transitional provisions and savings*

- 2 The repeal by this Act of any provision of Part II of Schedule 4 to the Police and Criminal Evidence Act 1984, or any other transitional provision or saving relating to the coming into force of a provision reproduced in this Act, does not affect the operation of the transitional provision or saving in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.
- 3 The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

*Use of existing forms, etc.*

- 4 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued on or after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or, as the context may require, as including a reference to the corresponding provision of this Act.

## PART II

### PROVISIONS RELATING TO PARTICULAR ENACTMENTS

*Pedlars Act 1871*

- 5 Any reference to a police district contained in—
  - (a) an application for a pedlar's certificate under the Pedlars Act 1871 made before the commencement of paragraphs 2 to 6 of Schedule 7 to this Act, or
  - (b) a pedlar's certificate granted under that Act before that commencement,
 shall on and after that commencement be read as if it were a reference to the equivalent police area.

*Savings relating to the Police Act 1964*

- 6 Notwithstanding the repeal by this Act of subsection (4) of section 58 of the Police Act 1964 (provision made by regulations for chief constables affected by amalgamations or reorganisations not to be less favourable than that under the

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Police Pensions Act 1976), that subsection shall continue to have effect in relation to any person who was the chief constable of a police force on 1st July 1964 and became a member of another police force by virtue of that section.

- 7 Notwithstanding the repeal by this Act of subsection (4) of section 64 of that Act (power to make consequential amendments to local Acts by order), any local enactment which immediately before the coming into force of that repeal had effect with modifications by virtue of an order made under that subsection shall continue to have effect with those modifications.

*Saving for transitional provisions under the Police and Magistrates' Courts Act 1994*

- 8 Without prejudice to the generality of paragraph 1(4) above, any transitional provision which—
- (a) is contained in an order made under section 94(1) of the Police and Magistrates' Courts Act 1994, and
  - (b) relates to the coming into force of a provision of that Act reproduced in this Act,
- shall, in so far as it remains capable of having effect, continue to operate in relation to the corresponding provision of this Act.

*Police areas*

- 9 For the period beginning with the commencement of Schedule 1 to this Act and ending on 31st March 1997, that Schedule shall have effect as if—
- (a) for the entry in the second column opposite the name of the Bedfordshire police area there were substituted—

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“The county of Bedfordshire”,

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- (b) for the entry in that column opposite the name of the Derbyshire police area there were substituted—

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“The county of Derbyshire”,

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- (c) for the entry in that column opposite the name of the Dorset police area there were substituted—

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“The county of Dorset”,

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- (d) for the entry in that column opposite the name of the Durham police area there were substituted—

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“The county of Durham”,

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- (e) for the entry in that column opposite the name of the Hampshire police area there were substituted—

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“The counties of Hampshire and Isle of Wight”,

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- (f) for the entry in that column opposite the name of the Leicestershire police area there were substituted—

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|  |     | “The county of Leicestershire”,   |
|  | (g) | for the entry in that column opposite the name of the Staffordshire police area there were substituted— |
|  |     | “The county of Staffordshire”,  |
|  | (h) | for the entry in that column opposite the name of the Sussex police area there were substituted—        |
|  |     | “The counties of East Sussex and West Sussex”,  |
|  | (i) | for the entry in that column opposite the name of the Thames Valley police area there were substituted— |
|  |     | “The counties of Berkshire, Buckinghamshire and Oxfordshire”,   |
|  | (j) | for the entry in that column opposite the name of the Wiltshire police area there were substituted—     |
|  |     | “The county of Wiltshire”.  |
- 10      Notwithstanding the repeal by this Act of sections 21A and 21C of the Police Act 1964 (power to amend Welsh police areas in relation to the Welsh local government reorganisation), any order made under section 21A of that Act shall continue to have effect.

### PART III

#### PROVISIONS RELATING TO COMPLAINTS AND DISCIPLINE

##### *Modification of enactments pending commencement of new discipline procedures*

- 11      (1) Until such day as the Secretary of State may by order appoint, the provisions of this Act mentioned in sub-paragraphs (2) and (3) shall have effect subject to the modifications set out in those sub-paragraphs.
- (2) Section 59 shall have effect as if—
- (a) in subsection (2) for “proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the Police (Scotland) Act 1967” there were substituted “disciplinary proceedings”, and
- (b) in subsection (3) for “a police appeals tribunal” there were substituted “the Secretary of State”.
- (3) Section 91(1) shall have effect as if after “services” there were inserted “or to commit breaches of discipline”.
- (4) Subsections (3) to (5) of section 104 shall have effect in relation to an order under this paragraph as they have effect in relation to an order under that section.

*Modification of section 81*

- 12      Until such day as the Lord Chancellor may appoint under section 16(2) of the Civil Evidence Act 1995 (commencement orders) for the commencement of paragraph 9(3) of Schedule 1 to that Act, section 81 of this Act shall have effect as if for subsection (3) there were substituted—

“(3) In this section “document” has the same meaning as in Part I of the Civil Evidence Act 1968.”

*Saving for complaints procedures established for other bodies of constables*

- 13      The coming into force of any provision of Part IV of this Act which re-enacts a provision of Part IX of the Police and Criminal Evidence Act 1984 (police complaints), as amended by the Police and Magistrates' Courts Act 1994, shall not affect any procedures established by virtue of section 96 of the 1984 Act (constabularies maintained by authorities other than police authorities) before that provision comes into force.