

# **POLICE AND JUSTICE ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 6: Supplemental**

##### *Section 49: Orders and regulations*

390. This section makes provision in connection with the various powers under the Act to make orders or regulations. The effect of subsection (4) is that all such powers exercisable by the Secretary of State, or by the Registrar General (see section 13(1)(d) and (2)(a)) are subject to the negative resolution procedure, except for powers to make commencement orders (where no parliamentary procedure applies) and powers to make orders specified in *subsection (5)* (where the affirmative resolution procedure applies). (Subsection (1)(c) refers also to powers exercisable by “the responsible ministers (within the meaning of Part 4)”, but references to the “responsible ministers” were removed from Part 4 by amendment during the passage of the Bill, and so this provision is of no effect.) *Subsection (3)* provides that any power under the Act to make orders or regulations includes a power to make different provision for different purposes or areas. This subsection also enables orders and regulations to make incidental, supplemental, consequential, saving or transitional provision.

##### *Section 50: Money*

391. *Section 50* authorises any expenditure incurred by a Minister of the Crown under the Act. It also authorises any additional expenditure incurred under any other Acts, where that additional expenditure results from the Act. Any receipts received by a Minister of the Crown must be paid into the Consolidated Fund.

##### *Section 51: Power to make consequential amendments and transitional provisions etc*

392. This section enables the Secretary of State by order to make supplementary, incidental, consequential, transitional or saving provision. The power conferred by this section differs from the power provided in section 49(3) in that it is exercisable independently of any other power to make orders or regulations under the Act. It is effectively a power to make consequential provisions at any time, including amendments to primary and secondary legislation. The Scottish Ministers have corresponding powers in relation to any provision of the Act that is within the legislative competence of the Scottish Parliament.

##### *Section 52 and Schedules 14 and 15: Amendments and repeals*

393. This section introduces *Schedules 14* (minor and consequential amendments) and *15* (repeals).

**Section 53: Commencement**

394. This section provides for commencement. The provisions mentioned in paragraph 400 below came into force on Royal Assent (i.e. on 8 November 2006). The other provisions of the Act are to be brought into force by means of commencement orders.
395. Commencement orders will be made by the Secretary of State and, where the Act so provides, by the Scottish Ministers or the National Assembly for Wales.
396. [Sections 35 to 38](#) (computer misuse), and repeals and amendments consequential on those sections, will be brought into force by the Scottish Ministers in so far as they relate to Scotland.
397. [Sections 19 and 20](#) (crime and disorder committees) and [27](#) (injunctions in local authority proceedings) and [Schedules 8 and 10](#) will be brought into force by the National Assembly for Wales in so far as they relate to local authorities in Wales. [Sections 23 to 25](#) (parenting contracts and parenting orders), and amendments and repeals consequential on those sections, will be brought into force by the National Assembly for Wales in so far as they relate to local authorities and registered social landlords in Wales. [Section 26](#) (anti-social behaviour injunctions) and consequential amendments and repeals relating to housing-related injunctions will be brought into force by the National Assembly for Wales in so far as they relate to Welsh landlords as defined in [subsection \(9\)](#).
398. [Subsection \(10\)](#) provides that the commencement order bringing [section 4](#) into force may include modifications to Part 1 of the Local Government Act 1999 in its application to police authorities.

**Section 54: Extent**

399. This section sets out the extent of the Act. This is detailed in paragraphs 14 to 17 above.
400. [Subsection \(7\)](#) amends [section 63](#) (extent) of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”) by inserting a new subsection (3A). The new subsection (3A) provides that an order made under [section 63\(3\)](#) of the 2006 Act (power to extend the 2006 Act to Channel Islands or Isle of Man with or without modification or adaptation) may so extend a provision of the 2006 Act either as amended by the Act or as though the amendments to the 2006 Act by the Act had not been made.

**Section 55: Short title**

401. This section sets out the short title of the Act.