Police and Justice Act 2006

2006 CHAPTER 48

PART 6

SUPPLEMENTAL

49   Orders and regulations

(1) Subsections (2) to (5) apply to any power to make an order or regulations that is conferred by this Act on—

   (a)   the Secretary of State,

   (b)   the Registrar General, or

   (c)   the responsible ministers (within the meaning of Part 4).

Subsections (2) and (3) also apply to any power to make an order that is conferred by this Act on the Scottish Ministers or the National Assembly for Wales.

(2) The power is exercisable by statutory instrument.

(3) The power may be exercised so as—

   (a)   to make different provision for different purposes or different areas;

   (b)   to make provision generally or for specified cases or circumstances;

   (c)   to make incidental, supplemental, consequential, saving or transitional provision.

(4) A statutory instrument containing an order or regulations made under any power to which this subsection applies, other than—

   (a)   an order to which subsection (5) applies, or

   (b)   an order under section 53,

is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) A statutory instrument containing—

   (a)   an order under paragraph 48 of Schedule 1, or

   (b)   an order that includes provision made by virtue of section 51(3)(b)(i) or (ii),

may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

(6) A statutory instrument containing an order under paragraph 48 of Schedule 1 made by the Scottish Ministers may not be made unless a draft has been laid before, and approved by a resolution of, the Scottish Parliament.

(7) A statutory instrument containing an order under section 51 made by the Scottish Ministers, other than an order to which subsection (8) applies, is subject to annulment in pursuance of a resolution of the Scottish Parliament.

(8) A statutory instrument containing an order under section 51 made by the Scottish Ministers that includes provision made by virtue of subsection (3)(b)(i) of that section may not be made unless a draft has been laid before, and approved by a resolution of, the Scottish Parliament.

50 Money

(1) There is to be paid out of money provided by Parliament—
   (a) any expenditure incurred by a Minister of the Crown by virtue of this Act;
   (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

(2) Sums received by a Minister of the Crown by virtue of this Act are to be paid into the Consolidated Fund.

51 Power to make consequential and transitional provision etc

(1) The Secretary of State may by order make—
   (a) any supplementary, incidental or consequential provision, and
   (b) any transitional or saving provision,

that he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act.

(2) The power conferred by subsection (1) is exercisable by the Scottish Ministers (rather than the Secretary of State) where the provision to be made is within the legislative competence of the Scottish Parliament.

(3) An order under this section may in particular—
   (a) provide for any provision of this Act which comes into force before another provision has come into force to have effect, until that other provision has come into force, with specified modifications;
   (b) amend or repeal—
      (i) any Act (including this Act and any Act passed in the same Session as this Act) or any Act of the Scottish Parliament;
      (ii) Northern Ireland legislation;
      (iii) subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) made before the passing of this Act.

(4) Nothing in this section limits the power under section 49 to include transitional or saving provision in a commencement order under section 53.

(5) The amendments that may be made by virtue of subsection (3)(b) are in addition to those that are made by, or may be made under, any other provision of this Act.

52   Amendments and repeals

Schedules 14 (minor and consequential amendments) and 15 (repeals and revocations) have effect.

53   Commencement

(1) Subject to subsections (2) to (9)—
- (a)   Parts 1 to 5, and
- (b)   section 52 (and Schedules 14 and 15),

come into force in accordance with provision made by order by the Secretary of State.

(2) Subsection (1) does not apply to—
- (a)   section 43(2) to (6);
- (b)   paragraph 6 of Schedule 13;
- (c)   paragraphs 7(3)(a), 14, 15 and 24 to 26 of Schedule 2 (and section 2 so far as relating to those paragraphs);
- (d)   paragraphs 34, 39, 47, 49 and 59 of Schedule 14;
- (e)   the repeals in Part 1(B) of Schedule 15 that relate to the paragraphs mentioned in paragraphs (c) and (d);
- (f)   section 52 so far as relating to any of those paragraphs and repeals.

(3) An order bringing the following provisions into force may be made only with the consent of the Scottish Ministers—
- (a)   section 1(2)(b);
- (b)   Parts 5 and 6 of Schedule 1 and paragraphs 51 to 53 of that Schedule (and section 1(3) so far as relating to those provisions);
- (c)   in Part 1(A) of Schedule 15, the repeals in or of the following provisions (and section 52 so far as relating to those repeals)—
    - (i) the Police (Scotland) Act 1967 (c. 77);
    - (ii) sections 109 to 111 of the Police Act 1997 (c. 50), Schedule 8 to that Act and paragraphs 10, 12 and 14 of Schedule 9 to that Act;
    - (iii) the Scottish Public Services Ombudsman Act 2002 (asp 11).

(4) The following provisions come into force in accordance with provision made by order by the Scottish Ministers—
- (a)   sections 35 to 38 so far as they extend to Scotland;
- (b)   paragraphs 17 to 19 and 29 of Schedule 14 so far as they extend to Scotland;
- (c)   paragraph 25 of that Schedule;
- (d)   the repeals in Part 4 of Schedule 15 of—
    - (i) provisions in section 13 of the Computer Misuse Act 1990 (c. 18);
    - (ii) section 17(7) of that Act so far as it extends to Scotland;
    - (iii) paragraph 77 of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40);
- (e)   section 52 so far as relating to those paragraphs and repeals.

(5) Paragraph 7(2) of Schedule 9 (and section 22 so far as relating to that paragraph), so far as relating to fire and rescue authorities in Wales, comes into force in accordance with provision made by order by the National Assembly for Wales.

(6) The following provisions, so far as relating to local authorities in Wales, come into force in accordance with provision made by order by the National Assembly for Wales—

    (a)   sections 19 and 20 and Schedule 8;

    (b)   paragraph 38 of Schedule 14 (and section 52 so far as relating to that paragraph);

    (c)   section 27 and Schedule 10;

    (d)   the repeal in Part 3 of Schedule 15 of section 91 of the Anti-social Behaviour Act 2003 (c. 38) (and section 52 so far as relating to that repeal).

(7) The following provisions, so far as relating to local authorities in Wales or registered social landlords on the register maintained by the National Assembly for Wales, come into force in accordance with provision made by order by the Assembly—

    (a)   sections 23 to 25;

    (b)   paragraphs 53 to 57 of Schedule 14 (and section 52 so far as relating to those paragraphs).

(8) The following provisions—

    (a)   so far as relating to the granting of injunctions on the application of a relevant Welsh landlord—

        (i) section 26,

        (ii) paragraph 32 of Schedule 14,

        (iii) in Part 3 of Schedule 15, the repeal of section 13(4)(b) of the Anti-social Behaviour Act 2003 (c. 38), and

        (iv) section 52 so far as relating to that paragraph and that repeal,

    (b)   so far as relating to any tenancy where the landlord is a relevant Welsh landlord—

        (i) paragraphs 12, 13 and 15 of Schedule 14, and

        (ii) section 52 so far as relating to those paragraphs, and

    (c)   so far as relating to a relevant Welsh landlord—

        (i) paragraph 33 of Schedule 14, and

        (ii) section 52 so far as relating to that paragraph,

come into force in accordance with provision made by order by the National Assembly for Wales.

(9) For the purposes of subsection (8), each of the following is a "relevant Welsh landlord"—

    (a)   a Welsh county council or county borough council;

    (b)   a registered social landlord on the register maintained by the National Assembly for Wales;

    (c)   a housing action trust for an area in Wales.

(10) The provision that may (by virtue of section 49(3)(c)) be made in an order under this section bringing section 4 into force includes provision prescribing modifications of Part 1 of the Local Government Act 1999 (c. 27) in its application to police authorities.

54   Extent

(1) Subject to subsections (2) to (6), Parts 1 to 5 extend to England and Wales only.

(2) The following provisions extend also to Scotland and Northern Ireland—
          section 1(2)(b);
          Parts 5 and 6 of Schedule 1 (and section 1(3) so far as relating to those Parts);
          section 5 and Schedule 3;
          section 38;
          section 41.

(3) Sections 6 and 13 extend also to Northern Ireland.

(4) Section 40 and Schedule 12 extend to Northern Ireland only.

(5) Any amendment or repeal made by this Act extends to the same part or parts of the United Kingdom as the provision to which it relates.

(6) Subsection (5) does not apply to the amendments made by paragraphs 14 and 37 of Schedule 14, which do not extend to Scotland.

(7) In section 63 of the Immigration, Asylum and Nationality Act 2006 (c. 13) (extent), after subsection (3) (power to extend Act to Channel Islands or Isle of Man with or without modification or adaptation) there is inserted—

    "(3A) In subsection (3), the reference to this Act includes—
              (a)   a reference to this Act as it has effect with the amendments and repeals made in it by the Police and Justice Act 2006, and
              (b)   a reference to this Act as it has effect without those amendments and repeals."

55   Short title

This Act may be cited as the Police and Justice Act 2006.