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STATUTORY INSTRUMENTS

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**1997 No. 2390 (c. 92)**

**POLICE**

**The Police Act 1997 (Commencement No. 4 and Transitional Provisions) Order 1997**

<i>Made</i>	- - - -	<i>3rd October 1997</i>
<i>Laid before Parliament</i>		<i>10th October 1997</i>
<i>Coming into force</i>	- -	<i>31st October 1997</i>

In exercise of the powers conferred upon him by section 135 of the Police Act 1997<sup>(1)</sup>, the Secretary of State hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Police Act 1997 (Commencement No. 4 and Transitional Provisions) Order 1997.

(2) This Order shall come into force on 31st October 1997.

(3) In this Order “the 1997 Act” means the Police Act 1997.

**Commencement on 31st October 1997**

2.—(1) Subject to articles 3 to 7 below, the provisions of the 1997 Act which are listed in paragraph (2) below shall come into force on 31st October 1997.

(2) The provisions referred to in paragraph (1) above are:

- (a) section 4 (service plans);
- (b) section 8 (Deputy Director General);
- (c) section 9 (members of NCIS);
- (d) section 19 (charges);
- (e) section 21 (pensions and gratuities);
- (f) section 22(4) to (8) (collaboration agreements);
- (g) section 28 (Codes of Practice);
- (h) section 37 (discipline regulations);

- (i) section 38 (appeals), for the purpose of making orders;
- (j) section 39 (complaints);
- (k) section 50 (service plans);
- (l) section 54 (Deputy Director General);
- (m) section 55 (members of the National Crime Squad);
- (n) section 64 (charges);
- (o) section 66 (pensions and gratuities);
- (p) section 73 (Codes of Practice);
- (q) section 81 (discipline regulations);
- (r) section 82 (appeals), for the purpose of making orders;
- (s) section 83 (complaints);
- (t) section 88 (application to NCS Service Authority of local authority enactments), so far as it relates to paragraphs 1, 2, 6, 9(e), 29 and 32 of Schedule 6;
- (u) section 134 (amendments and repeals), so far as it relates to paragraphs 13, 14, 23, 38, 39, 43, 49 to 52, 55, 57, 66 to 68, 73, 86 and 91 of Schedule 9;
- (v) paragraphs 1, 2, 6, 9(e), 29 and 32 of Schedule 6;
- (w) paragraphs 13, 14, 23, 38, 39, 43, 49 to 52, 55, 57, 66 to 68, 72, 73, 81, 86, and 91 of Schedule 9.

#### **Transitional provision about the Directors General**

**3.** The references to the Director General of NCIS and the Director General of the National Crime Squad in sections 4(3), (4) and (5)(e), 8(1) and (2), 9(6), (8), (9)(b) and (10) (in the first place where it occurs), 50(3), (4) and (5)(e), 54(1) and (2), and 55(6), (8), (9)(b) and (10) (in the first place where it occurs) of the 1997 Act shall have effect as if they were respectively references to the person designated to carry out the functions of the Director General of NCIS and the person designated to carry out the functions of the Director General of the National Crime Squad under article 4(1) of the Police Act 1997 (Commencement No. 3 and Transitional Provisions) Order 1997(2).

#### **Transitional provision about the Deputy Directors General**

**4.** Sections 8(1) and 54(1) of the 1997 Act shall have effect as if the references to a member of NCIS and a member of National Crime Squad appointed under section 9 and section 55 respectively were references to an appointment made which takes effect on 1st April 1998.

#### **Transitional provision about collaboration agreements**

- 5.—**(1) Section 22(5)(a) of the 1997 Act shall be omitted.
- (2) Section 22(6) of the 1997 Act shall have effect as if “(1) or” were omitted.
- (3) Section 22(7) of the 1997 Act shall have effect as if “(1),” were omitted.

#### **Transitional provision about Local Government Act 1972**

**6.** Paragraph 6 of Schedule 6 to the 1997 Act shall have effect as if, in section 146A(1AA) of the Local Government Act 1972 (application to police authorities of miscellaneous powers of local authorities), as inserted by sub-paragraph (4) of that paragraph, for the words from “shall” to the

end there were substituted the words “shall be treated as a principal council for the purposes of section 120 above only and as local authority for the purposes of section 135 above only”.

### **Transitional provision about the Local Government and Housing Act 1989**

7. Paragraph 29 of Schedule 6 to the 1997 Act (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.) shall have effect as if for the words from “inserted” to the end there were substituted the words “inserted” “or, in sections 7, 19 and 20 only, the Service Authority for the National Crime Squad.”.

### **Repeals**

8. Article 3(3) of the Police Act 1997 (Commencement No. 1 and Transitional Provisions) Order 1997(3) is hereby repealed.

Home Office  
3rd October 1997

*Alun Michael*  
Minister of State

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order brings into force various provisions in Parts I and II of the Police Act 1997 and makes related transitional provisions. It also repeals a transitional provision in an earlier commencement order relating to the 1997 Act.

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
Sections 1, 17, 47, 62, 129 and Schedules 1 and 2 (all partially only); and sections 44, 45, 46, 89, 90, 128, 130, 131 and 132	25.6.1997	1997/1377 (C. 50).
Sections 1 and 47 and Schedules 1 and 2 (for the purposes for which they are not already in force), sections 6, 13, 14, 15, 16, 18, 52, 58, 59, 60, 61, 63, 88 (partially), 134, (partially, paragraphs 27 and 41 of Schedule 9 (partially) and paragraphs 28, 40 and 88 of Schedule 9	23.7.1997	1997/1377 (C. 50).
Section 101	5.8.1997	1997/1696 (C. 71).
Sections 2, 3, 48, 49, 91, 96, 109, 111, 134 (all partially only) paragraphs 1, 2, 8, 10 of Schedule 8 (all partially) sections 25 to 27, 70 to 72, Schedule 4, paragraphs 3, 5 and 10 of Schedule 6, paragraphs 4 and 9, 11 and 18 of Schedule 8, paragraphs 3, 8, 9, 29(3), 82 and 83 of Schedule 9	22.8.1997	1997/1930 (C. 79).
Sections 2, 17, 48 and 62 (partially only) and Schedules 3 and 5.	8.10.1997	1997/1930 (C. 79).

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