

2005 No. 1521 (C. 66)

CRIMINAL LAW

POLICE, ENGLAND AND WALES

ROAD TRAFFIC

**The Serious Organised Crime and Police Act 2005
(Commencement No. 1, Transitional and Transitory Provisions)
Order 2005**

Made - - - -

7th June 2005

The Secretary of State, in exercise of the powers conferred upon him by—

(a) section 178(7) of the Serious Organised Crime and Police Act 2005^(a) as respects the provisions brought into force by article 2 of this Order, after consulting the Scottish Ministers, and

(b) section 178(8), (9) and (10) of that Act as respects the other provisions,

hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No.1, Transitional and Transitory Provisions) Order 2005.

(2) In this Order “the Act” means the Serious Organised Crime and Police Act 2005.

Provisions coming into force on 1st July 2005

2.—(1) Subject to paragraph (2), the following provisions of the Act shall come into force on 1st July 2005—

- (a) section 95 (enforcement of overseas forfeiture orders);
- (b) section 99(2) and (3) (civil recovery: interim receivers’ expenses etc.);
- (c) section 100 (detention of seized cash: meaning of “48 hours”);
- (d) section 101 (appeal in proceedings for forfeiture of cash); and
- (e) section 107 (money laundering offences).

(a) 2005 c.15.

(2) Section 101 of the Act does not apply to a decision of a court in Scotland to order the forfeiture of cash under section 298 of the Proceeds of Crime Act 2002(a) taken before section 101 comes into force.

3.—(1) Subject to paragraphs (4) and (5), the following provisions of the Act shall come into force on 1st July 2005—

- (a) section 97 (confiscation orders by magistrates' courts);
- (b) section 99(1) and (4) (civil recovery: interim receivers' expenses etc.);
- (c) sections 103 to 106 (money laundering);
- (d) section 108 (international co-operation);
- (e) section 112 (power to direct a person to leave a place);
- (f) section 115 (power to stop and search for prohibited fireworks);
- (g) section 119 (intimate samples);
- (h) section 122 (powers of designated and accredited persons) in so far as it relates to the entries in Schedules 8 and 9 in sub-paragraphs (i) and (j) below;
- (i) paragraphs 1, 2 save in so far as it relates to relevant licensing offences, 3(1), (2), (3)(a), (4) to (7), (8) save in so far as it inserts new sub-paragraph (6A) in paragraph 2 of Schedule 4 to the Police Reform Act 2002(b), (9) and (10), 5 to 7, 10, 11, 13 to 15 and 17 to 20 of Schedule 8 (powers of designated and accredited persons);
- (j) paragraphs 1 to 9 of Schedule 9 (additional powers and duties of designated persons);
- (k) section 123 (provision of information for use by police staff);
- (l) section 124 (interpretation of Part 3);
- (m) section 125 to 127 (harassment);
- (n) sections 128 to 131 (trespass on designated sites);
- (o) section 132(7) (demonstrating without authorisation in designated area);
- (p) section 133 (notice of demonstrations in designated area) for the purpose of giving notice of a demonstration in the designated area which is due to start or continue on or after 1st August 2005;
- (q) section 134(1) to (6), (9) and (10) (authorisation of demonstrations in designated area);
- (r) section 138 (the designated area);
- (s) sections 139 to 143 (anti-social behaviour);
- (t) sections 145 to 149 (protection of activities of certain organisations);
- (u) sections 150 to 155 (vehicle registration and insurance and road traffic offences);
- (v) section 159, together with Schedule 11 (investigations: accelerated procedure in special cases);
- (w) section 160, together with Schedule 12 (investigations: deaths and serious injuries during or after contact with the police);
- (x) section 161(2) to (5) (abolition of Royal Parks Constabulary) in so far as it relates to the entries in Schedules 13 in sub-paragraph (y) below;
- (y) paragraphs 1 to 8, 11 and 13 of Schedule 13 (abolition of Royal Parks Constabulary: supplementary);
- (z) section 162(1), (2) and (4) (regulation of specified parks);
- (aa) section 168 (Part 5 of the Police Act 1997: Channel Islands and Isle of Man);

(a) 2002 c.29.

(b) 2002 c. 30.

- (bb) section 169 (powers of Crown Court and Magistrates' Court to issue witness summons);
- (cc) section 174(2) (minor and consequential amendments, repeals and revocations) in so far as it relates to the entries in Schedule 17 in sub-paragraph (ee) below; and
- (dd) section 175 (penalties for offences: transitional modification for England and Wales);
- (ee) in Part 2 of Schedule 17 (repeals and revocations), the entries relating to—

- (i) section 140 of the Criminal Justice Act 1988(a);
- (ii) the Local Government Finance Act 1992(b);
- (iii) paragraph 25 of Schedule 1 to the Drug Trafficking Act 1994(c);
- (iv) the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995(d);
- (v) section 1C of the Crime and Disorder Act 1998(e);
- (vi) sections 330(9)(b), 337(5)(b), 338(1)(b) and (5)(b), 339(5) and (6) and 447(3)(a) of the Proceeds of Crime Act 2002(f);
- (vii) paragraph 2 of Schedule 4 to the Police Reform Act 2002(g);
- (viii) Schedule 5 to the Police Reform Act 2002; and
- (ix) section 23(5) of the Anti-social Behaviour Act 2003(h).

(2) Except to the extent that it has effect for the purposes of conferring functions on the Scottish Ministers, section 96 (mutual assistance in freezing property or evidence) of the Act shall come into force on 1st July 2005.

(3) Except to the extent that they extend to Scotland, the following provisions of the Act shall come into force on 1st July 2005—

- (a) section 164 (criminal record checks: verification of identity);
- (b) section 165(1)(a) (certain references to police forces); and
- (c) section 166(2) (further amendments to Police Act 1997(i) as it applies to Scotland).

(4) During the period from 1st July 2005 to 31st March 2006 the amendments made by section 104(3), (4) and (6) of the Act are to have effect so that the reference in sections 330(4)(b), 331(4) and 332(4) of the Proceeds of Crime Act 2002, as substituted by section 104 of the Act, to the Director General of the Serious Organised Crime Agency is to have effect as a reference to the Director General of the National Criminal Intelligence Service.

(5) The references in section 133(2) (notice of demonstrations in designated area) of the Act to a demonstration starting are to take effect as if they were references to demonstrations starting or continuing on or after 1st August 2005.

Provisions coming into force on 1st August 2005

4.—(1) Subject to paragraph (2), sections 132 to 137 (demonstrations in the vicinity of Parliament) of the Act shall come into force on 1st August 2005, to the extent that they are not already in force.

(2) The references in sections 132(1) (demonstrating without authorisation in a designated area) and 133(2) (notice of demonstrations in a designated area) of the Act to a demonstration starting are to take effect as if they were references to demonstrations starting or continuing on or after 1st August 2005.

(a) 1988 c. 33.
(b) 1992 c.14.
(c) 1994 c. 37.
(d) 1995 c. 40.
(e) 1998 c. 37.
(f) 2002 c. 29.
(g) 2002 c. 30.
(h) 2003 c. 38.
(i) 1997 c.50.

Provisions coming into force on 1st April 2006

5.—(1) Except to the extent that they extend to Scotland, Chapter 1 (investigatory powers of the DPP, etc.) (sections 60 to 70) and Chapter 4 (protection of witnesses and other persons) (sections 82 to 94 and Schedule 5) of Part 2 of the Act shall come into force on 1st April 2006.

(2) Section 157 (publication of local policing information) of the Act shall come into force on 1st April 2006.

Home Office
7th June 2005

Paul Goggins
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Serious Organised Crime and Police Act 2005. The provisions specified in articles 2 and 3 are brought into force on 1st July 2005, subject to transitional and transitory provisions. Those specified in article 4 are brought into force on 1st August 2005 (subject to a transitory provision) and those specified in article 5 are brought into force on 1st April 2006.

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