

**EXPLANATORY MEMORANDUM TO**  
**THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (POWERS OF**  
**ARREST) (CONSEQUENTIAL AMENDMENTS) ORDER 2005**

**2005. No .3389**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Order comes into force on 1 January 2006 and amends 30 Statutory Instruments as a consequence of the changes to arrest powers made by section 110 of the Serious Organised Crime and Police Act 2005 (“the 2005 Act”) which inserts a new section 24 into the Police and Criminal Evidence Act 1984 (“PACE”).

**3. Matters of special interest to the Joint Committee on Statutory Instruments.**

3.1 None

**4. Legislative Background**

4.1 The instrument is made under section 173 of the 2005 Act.

**5. Extent**

This instrument applies to England and Wales.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 Section 24 of PACE as inserted by section 110 of the 2005 Act introduces a rationalised power of arrest that applies to all criminal offences.

7.2 PACE provides the framework for arrest powers but there are numerous other provisions in primary and secondary legislation which either provide a police constable with a power to arrest without warrant for certain offences or refer to arrest powers under PACE. These powers need to be repealed or amended when the new arrest powers come into effect on 1 January 2006.

7.3. Schedule 7, Parts 1 and 2 to the 2005 Act repealed the standalone powers of arrest in primary legislation. Schedule 7, part 3 to the 2005 Act dealt with amendments relating to “arrestable” and “serious arrestable” offences in primary legislation. This Order makes equivalent changes to secondary legislation.

7.4 The instrument revokes fourteen standalone powers of arrest and amends a further sixteen Statutory Instruments.

7.5 The department has consulted other Government departments whose statutory instruments are to be amended.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

## **9. Contact**

Alan Brown at the Home Office Tel: 020 7035 0877 or e-mail: [alan.brown@homeoffice.gsi.gov.uk](mailto:alan.brown@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument