
STATUTORY INSTRUMENTS

2006 No. 3365

POLICE, ENGLAND AND WALES

**The Police and Justice Act 2006 (Supplementary
and Transitional Provisions) Order 2006**

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| <i>Made</i> | - - - - | <i>14th December 2006</i> |
| <i>Laid before Parliament</i> | | <i>18th December 2006</i> |
| <i>Coming into force</i> | - - | <i>15th January 2007</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by section 51 of the Police and Justice Act 2006⁽¹⁾.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Justice Act 2006 (Supplementary and Transitional Provisions) Order 2006 and shall come into force on 15th January 2007.

(2) In this Order—

“the 1996 Act” means the Police Act 1996⁽²⁾;

“the 2006 Act” means the Police and Justice Act 2006; and

“the 2006 Order” means the Police and Justice Act 2006 (Commencement No. 1, Transitional and Saving Provisions) Order 2006⁽³⁾.

Supplementary and transitional provision

2.—(1) In relation to any time during which, notwithstanding the substitution of Schedule 2 to the 1996 Act made by paragraph 2 of Schedule 2 to the 2006 Act, any provision of the current Schedule 2 to the 1996 Act (police authorities established under section 3) continues in force by virtue of article 3(1) of the 2006 Order⁽⁴⁾—

(1) 2006 c. 48.

(2) 1996 c. 16.

(3) S.I. 2006/.

(4) Article 3(1) of the 2006 Order provides that, notwithstanding the coming into force of paragraph 2 of Schedule 2 to the 2006 Act on 15th January 2007 and the substitution of Schedule 2 to the 1996 Act made by that paragraph, current Schedule 2 to the 1996 Act shall continue in force until 31st March 2008, save that paragraphs 1 to 8 (making of appointments) shall only apply to appointments that take effect before 1st April 2008.

- (a) paragraphs 15 and 16 of current Schedule 2(5) to the 1996 Act (tenure of office of police authority members) shall have effect subject to paragraph (2); and
- (b) paragraphs 13(2)(6) and 18(2)(7) of current Schedule 2 to the 1996 Act (disqualification and tenure of office of police authority members) shall have effect subject to article 4.

(2) Notwithstanding that, in accordance with paragraphs 15 and 16 of current Schedule 2 to the 1996 Act, the term of appointment of a lay justice member of a police authority established under section 3 of the 1996 Act (establishment of police authorities for certain police areas) expires on or after 15th January 2007, that appointment shall be extended to 31st March 2008.

3.—(1) In relation to any time during which, notwithstanding the substitution of Schedule 2A to the 1996 Act made by paragraph 4 of Schedule 2 to the 2006 Act, any provision of the current Schedule 2A to the 1996 Act (Metropolitan Police Authority) continues in force by virtue of article 3(2) of the 2006 Order(8)—

- (a) paragraphs 10 and 11 of current Schedule 2A(9) to the 1996 Act (tenure of office of members of Metropolitan Police Authority) shall have effect subject to paragraph (2); and
- (b) paragraphs 8(2) and 13(3)(10) of current Schedule 2A to the 1996 Act (disqualification and tenure of office of members of Metropolitan Police Authority) shall have effect subject to article 4.

(2) Notwithstanding that, in accordance with paragraphs 10 and 11 of current Schedule 2A to the 1996 Act, the term of appointment of a lay justice member of the Metropolitan Police Authority expires on or after 15th January 2007, that appointment shall be extended to 2nd July 2008.

4. The appointment of a lay justice member of a police authority established under section 3 of the 1996 Act or the Metropolitan Police Authority shall be extended by virtue of article 2 or 3 notwithstanding the fact that on or after 15th January 2007 he ceases to be a lay justice assigned to a local justice area wholly or partly within the authority's area by virtue of his name being entered in the supplemental list in accordance with section 13 of the Courts Act 2003 (entry of names in the supplemental list)(11) and notwithstanding the fact that his principal place of work or residence is consequently no longer in the police area of that police authority.

5. Nothing in this Order affects the application of any other part of current Schedule 2 or 2A to the 1996 Act to a lay justice member of a police authority established under section 3 of that Act or the Metropolitan Police Authority.

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- (5) Paragraph 16 of Schedule 2 to the 1996 Act has been amended by section 137 of, and Schedule 7 to, the Criminal Justice and Police Act 2001 (c. 16). Schedule 2 to the 1996 Act has been substituted by a new Schedule 2 inserted by paragraph 2 of Schedule 2 to the Police and Justice Act 2006 but that substitution is not yet in force.
 - (6) Paragraph 13(2) of Schedule 2 to the 1996 Act has been amended by section 106(2) of the Criminal Justice and Police Act 2001.
 - (7) Paragraph 18(2) of Schedule 2 to the 1996 Act has been substituted by section 109(1) of, and paragraph 373 of Schedule 8 to, the Courts Act 2003 (c. 39).
 - (8) Article 3(2) of the 2006 Order provides that, notwithstanding the coming into force of paragraph 4 of Schedule 2 to the 2006 Act on 15th January 2007 and the substitution of Schedule 2A made by that paragraph, current Schedule 2A to the 1996 Act shall continue in force until 2nd July 2008, save that paragraphs 1 to 5 (making of appointments) shall only apply to appointments that take effect before 3rd July 2008.
 - (9) Schedule 2A to the 1996 Act was inserted by section 310(2) of, and Schedule 26 to, the Greater London Authority Act 1999 (c. 29). Schedule 2A to the 1996 Act has been substituted by a new Schedule 2A inserted by paragraph 4 of Schedule 2 to the Police and Justice Act 2006 but that substitution is not yet in force.
 - (10) Paragraph 13(3) of Schedule 2A to the 1996 Act has been substituted by section 109(1) of, and paragraph 374 of Schedule 8 to, the Courts Act 2003.
 - (11) 2003 c. 39. Section 13 of the 2003 Act has been amended by paragraphs 308 and 315 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4).

Home Office
14th December 2006

Tony McNulty
Minister of State

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplementary and transitional provision which is expedient for the purposes of bringing into force and giving full effect to paragraphs 1 to 6 of Schedule 2 to the Police and Justice Act 2006 (“the 2006 Act”). Paragraphs 1 to 6 of Schedule 2 to the 2006 Act introduce a new regime for the membership of police authorities. Those provisions will be brought into force on 15th January 2007. Regulations will be made under those provisions and will apply from, and to the appointments process applicable to appointments which take effect from, in the case of a police authority established under section 3 of the Police Act 1996 (“the 1996 Act”), 1st April 2008, and in the case of the Metropolitan Police Authority, 3rd July 2008. Until those dates, the existing provisions of the 1996 Act will continue to apply, except that those existing provisions which relate to the making of appointments will only apply in respect of appointments that take effect before those dates.

The new regime reduces the mandatory number of lay justice members of police authorities. Article 2(1)(a) and (2) of this Order ensures that existing lay justice members of those police authorities established under section 3 of the 1996 Act whose appointments would otherwise expire on or after 15th January 2007 will be extended to 31st March 2008 in order to avoid the need to make new appointments for a short period only. Article 3(1)(a) and (2) of this Order ensures that, in the case of the Metropolitan Police Authority, the appointments are extended to 2nd July 2008. Articles 2(1)(b), 3(1)(b) and 4 provide that those appointments shall be extended notwithstanding the fact that the member in question ceases to be a lay justice assigned to a local justice area within the authority’s area on or after 15th January 2007 as a result of his name having been put on the supplemental list in accordance with section 13 of the Courts Act 2003 and notwithstanding the fact that he consequently ceases to work or reside primarily in the police area of the police authority. Article 5 ensures that current Schedules 2 and 2A to the 1996 Act will otherwise continue to apply to a lay justice member of a police authority as provided for under the Police and Justice Act 2006 (Commencement No. 1, Transitional and Saving Provisions Order) 2006.