
STATUTORY INSTRUMENTS

2017 No. 399 (C. 38)

**ARMS AND AMMUNITION
CORONERS, ENGLAND AND WALES
CRIMINAL LAW, ENGLAND AND WALES
FIRE AND RESCUE SERVICES, ENGLAND
LICENCES AND LICENSING
POLICE**

The Policing and Crime Act 2017 (Commencement
No. 1 and Transitional Provisions) Regulations 2017

Made - - - - *13th March 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 183(1), (7) and (9) of the Policing and Crime Act 2017⁽¹⁾.

Citation and interpretation

1.—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 1 and Transitional Provisions) Regulations 2017.

(2) In these Regulations “the Act” means the Policing and Crime Act 2017.

Provisions coming into force on 3rd April 2017

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to these Regulations is 3rd April 2017.

Provisions coming into force on 6th April 2017

3. The day appointed for the coming into force of the following provisions of the Act is 6th April 2017—

(a) section 135 (meaning of “alcohol”: inclusion of alcohol in any state);

- (b) section 136 (interim steps pending review: representations);
- (c) section 137 (summary reviews of premises licences: review of interim steps);
- (d) section 138 (personal licences: licensing authority powers in relation to convictions);
- (e) section 139 (Licensing Act 2003: addition of further relevant offences); and
- (f) section 140 (Licensing Act 2003: guidance).

Provisions coming into force on 2nd May 2017

4. The day appointed for the coming into force of the following provisions of the Act is 2nd May 2017—

- (a) sections 36 and 37 (inspection);
- (b) section 125 (Firearms Act 1968: meaning of “firearm” etc) in so far as it is not already in force;
- (c) section 127 (possession of articles for conversion of imitation firearms);
- (d) section 128 (controls on defectively deactivated weapons);
- (e) section 129 (controls on ammunition which expands on impact); and
- (f) section 130 (authorised lending and possession of firearms for hunting etc).

Transitional provision in respect of pre-charge bail

5.—(1) Sections 52 to 58, 60 and 62 to 65 of the Act do not apply in relation to a person in respect of an offence if the person was—

- (a) first arrested for the offence on or before 2nd April 2017;
- (b) given a conditional caution in respect of the offence on or before 2nd April 2017.

(2) In this regulation “conditional caution” has the same meaning as in Part 3 of the Criminal Justice Act 2003(2).

Transitional provision in respect of retention of biometric material

6.—(1) Subject to paragraph (2), section 70 of the Act only applies to section 63D material taken or (in the case of a DNA profile) derived from a sample taken, on or after 3rd April 2017.

(2) The amendments made by section 70 of the Act to sections 63F, 63H, 63K and 63N of the 1984 Act apply for the purposes of section 63P(2) of the 1984 Act(3) where the date mentioned in section 63P(2)(b) is 3rd April 2017 or any subsequent date.

(3) In this Regulation—

“the 1984 Act” means the Police and Criminal Evidence Act 1984(4);

“Section 63D material” means fingerprints and DNA profiles to which section 63D of the 1984 Act(5) applies.

(2) 2003 c. 44.

(3) Section 63P of the 1984 Act was substituted by section 145(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 c. 12.

(4) 1984 c. 60.

(5) Section 63D of the 1984 Act was inserted by section 1 of the Protection of Freedoms Act 2012 c. 9.

Transitional provisions in respect of inspection

7. Section 37(2) of the Act does not apply in relation to reports published under section 55 of the Police Act 1996⁽⁶⁾ on or before 1st May 2017.

8. Section 37(6) of the Act does not apply in relation to reports published under section 11 of, and paragraph 3 of Schedule 6 to, the Crime and Courts Act 2013⁽⁷⁾ on or before 1st May 2017.

13th March 2017

Brandon Lewis
Minister of State
Home Office

(6) 1996 c. 16; section 55 was amended by section 84 of the Police Reform and Social Responsibility Act 2011 c. 16. There are other amendments but none is relevant.

(7) 2013 c. 22.

SCHEDULE

Regulation 2

Provisions of the Act coming into force on 3rd April 2017

1. Sections 1 to 5 (collaboration agreements).
2. Section 6 (provision for police and crime commissioner to be fire and rescue authority) in so far as it is not already in force⁽⁸⁾.
3. Section 7 (involvement of police and crime commissioner in fire and rescue authority).
4. Section 32 (guidance concerning disciplinary proceedings and conduct etc) in so far as it is not already in force.
5. Section 33(2) (Independent Office for Police Conduct) in so far as is necessary for the purposes of paragraph 6.
6. Section 33(5) and (6) but only for the purpose of appointing the Director General and non-executive members.
7. Section 33(9) in so far as is necessary for the purposes of paragraph 39.
8. Section 45 (further amendments consequential on section 38 etc) in so far as it relates to the provisions specified in paragraph 40.
9. Section 49 (duties of Police Federation for England and Wales in fulfilling its purpose).
10. Section 50 (Freedom of Information Act etc: Police Federation for England and Wales).
11. Section 51 (removal of references to ACPO) in so far as it relates to the provisions specified in paragraph 41.
12. Sections 52 to 60 (release without bail or on bail).
13. Section 61 (bail before charge: conditions of bail etc).
14. Section 62 (limit on period of bail under section 30A of PACE).
15. Section 63 (limits on period of bail without charge under Part 4 of PACE) in so far as it is not already in force.
16. Section 64 (section 63: consequential amendments).
17. Section 65 (release under provisions of PACE: re-arrest).
18. Sections 66 and 67 (notification of decision not to prosecute).
19. Sections 68 and 69 (breach of pre-charge bail conditions relating to travel).
20. Sections 70 and 71 (retention of biometric material).
21. Section 72 (PACE: entry and search of premises for the purpose of arrest).
22. Section 73 (PACE: treatment of those aged 17).
23. Section 74 (PACE: detention: use of live links).
24. Section 75 (PACE: interviews: use of live links).
25. Section 77 (PACE: duty to notify person interviewed that not to be prosecuted).
26. Section 78 (PACE: consultation on codes of practice).
27. Section 79 (definition of “appropriate adult” in criminal justice legislation).

⁽⁸⁾ See section 183(5)(e) of the Policing and Crime Act 2017.

28. Section 120 (powers to require removal of disguises: oral authorisation).
29. Section 121 (term of office of deputy police and crime commissioners).
30. Section 122 (eligibility of deputy police and crime commissioners for election).
31. Section 124 (amendments to the names of police areas) in so far as it is not already in force.
32. Section 133 (guidance to police officers in respect of firearms) in so far as it is not already in force.
33. Section 134 (possession of pyrotechnic articles at musical events) in so far as it is not already in force.
34. Section 163 (powers to seize etc invalid travel documents).
35. Section 175 (sentences for offences of putting people in fear of violence etc).
36. Section 177 (licensing functions under taxi and PHV legislation: protection of children and vulnerable adults) in so far as it is not already in force.
37. Section 178 (coroners' investigations into deaths: meaning of "state detention").
38. Schedule 1 (provision for police and crime commissioner to be fire and rescue authority) in so far as it is not already in force.
39. In Schedule 9 (Independent Office for Police Conduct)—
 - (a) paragraph 1 in so far as is necessary for the purposes of sub-paragraphs (b) to (d);
 - (b) paragraph 2 but only for the purpose of making appointments and the removal of persons from office;
 - (c) paragraph 3 in so far as it inserts paragraph 1A(1) into Schedule 2 to the Police Reform Act 2002⁽⁹⁾ and only for the purpose of making appointments; and
 - (d) paragraph 4 but only for the purpose of making appointments and the removal of persons from office.
40. Schedule 12 (powers of civilian staff and volunteers: further amendments), Part 3 (minor correcting amendments).
41. Schedule 14 (removal of references to ACPO) except for the reference in paragraph 7(e) to section 45(3)(f) of the Police Reform Act 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Policing and Crime Act 2017 (c. 3) ("the Act") and make transitional provision in relation to the coming into force of certain of those provisions. Certain provisions were brought into force on Royal Assent by section 183(5) of the Act and others commence on 31st March 2017 by virtue of section 183(6) of the Act.

(9) 2002 c. 30.

Regulation 2 and the Schedule to the Regulations set out the provisions which will come into force on 3rd April 2017. In particular: paragraph 1 of the Schedule commences the provisions in Part 1, Chapter 1 of the Act which provide for collaboration agreements between police bodies, fire and rescue bodies and NHS trusts and NHS foundation trusts that provide ambulance services and impose certain duties in relation to these agreements; paragraphs 2 and 38 of the Schedule commence (in so far as not already in force), provisions that, amongst other things, amend the Fire and Rescue Services Act 2004 (c. 21) to enable the establishment of a new type of fire and rescue authority for a specified area and for the person who is for the time being the police and crime commissioner for the corresponding police area to be that fire and rescue authority; and paragraph 3 commences provisions that would enable a police and crime commissioner to be represented on a fire and rescue authority. Paragraphs 12 to 17 of the Schedule commence provisions in Part 4, Chapter 1 of the Act that amend the Police and Criminal Evidence Act 1984 (c. 60) in relation to pre-charge bail. These include provisions in sections 52 to 58 of the Act which introduce a presumption in favour of release without bail and sections 62 to 64 that make provision about statutory time limits on the period of bail and judicial oversight of extensions of bail beyond three months. Paragraph 18 of the Schedule commences section 66 and 67 which require the police to notify a person released without bail once a decision has been reached that they will not be prosecuted for the offence for which they were originally arrested. Paragraph 19 of the Schedule commences sections 68 and 69 of the Act which make provision for an offence applicable to terrorist suspects who have been bailed subject to a condition restricting their travel and breach that condition.

Regulation 3 sets out the provisions which will come into force on 6th April 2017. Each of these provisions makes amendments to the Licensing Act 2003 (c. 17). In particular Regulation 3(a) commences section 135 of the Act, which amends the definition of alcohol in section 191(1) of the Licensing Act 2003 to ensure that it covers alcohol in any state including powdered and vaporised alcohol and Regulation 3(d) commences section 138 of the Act that makes provision for the revocation of a personal licence by a licensing authority.

Regulation 4 sets out the provisions which will come into force on 2nd May 2017. In particular Regulation 4(a) commences sections 36 and 37 of the Act which, amongst other things, broaden Her Majesty's Inspectorate of Constabulary's ("HMIC") powers to inspect police forces so that they can also inspect those contracting with police forces to provide police services and imposes an obligation on police and crime commissioners to respond to HMIC reports within 56 days of receiving the report. Regulations 4(b) to (d) commence certain firearms-related provisions of the Act. In particular they commence section 125 of the Act that amends the Firearms Act 1968 (c. 27) in relation to the definition of a firearm and sections 127 and 128 of the Act that create new criminal offences in relation to possession of items for use in the conversion of an imitation firearm to a firearm, and of selling, transferring or offering to sell or transfer a weapon that is not deactivated according to the relevant technical standards. Section 128 of the Act also gives effect to EU Commission Implementing Regulation (EU) 2015/2403 of 15th December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.

Regulations 5, 6, 7 and 8 make transitional provision. Regulation 5 provides that the arrangements for pre-charge bail that are commenced by Regulation 2 will only apply to a person in relation to an offence for which they are first arrested on or after 3rd April 2017 or in respect of a conditional caution received on or after 3rd April 2017. Regulation 6 makes provision to ensure that the amendments made by section 70 of the Act to Part 5 of the Police and Criminal Evidence Act 1984 and that are commenced by Regulation 2 and paragraph 20 of the Schedule, will not apply in relation to fingerprints taken before the 3rd April 2017. It also provides that the amendments specified will not apply for the purpose of section 63P of the 1984 Act where the date of arrest or (as the case may be) charge for a further offence is before the 3rd April 2017. Regulation 7 makes clear that the amendments made by the Act to section 55 of the Police Act 1996 (c. 16) in relation to publication of reports will not apply to reports that are published before 2nd May 2017. Regulation 8 makes

similar provision in relation to publication of reports of HMIC inspections of the National Crime Agency under the Crime and Courts Act 2013 (c. 22).