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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 166 (C. 15 )**

**CRIMINAL LAW  
POLICE**

**The Serious Organised Crime and Police Act 2005  
(Commencement No. 2) (Scotland) Order 2006**

*Made - - - - 22nd March 2006*

The Scottish Ministers, in exercise of the powers conferred by section 178(3), (4), (5) and (9) of the Serious Organised Crime and Police Act 2005<sup>(1)</sup>, hereby make the following Order:

**Citation**

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No. 2) (Scotland) Order 2006.

**Appointed days and extent**

2.—(1) 1st April 2006 is the appointed day for the coming into force of the following provisions of the Serious Organised Crime and Police Act 2005—

- (a) sections 60 to 68 and 70 (investigatory powers of DPPetc.), so far as they extend to Scotland;
- (b) Chapter 4 of Part 2 (including Schedule 5) (protection of witnesses and other persons), so far as it extends to Scotland;
- (c) sections 163 (criminal record certificates) except for the purpose of inserting section 113E into the Police Act 1997<sup>(2)</sup>, 165 (certain references to police forces) and 166 (further amendments to Police Act 1997 as it applies to Scotland) in so far as that section is not already in force, all as they extend to Scotland;
- (d) section 174(2) (minor and consequential amendments, repeals and revocations) and Schedule 17 (repeals and revocations) so far as they relate—
  - (i) to sections 113 and 115 of the Police Act 1997 as those sections apply to Scotland;and

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(1) 2005 c. 15.  
(2) 1997 c. 50.

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- (ii) to section 125 of that Act, to the Regulation of Care (Scotland) Act 2001<sup>(3)</sup>, to the Protection of Children (Scotland) Act 2003<sup>(4)</sup> and to the Criminal Justice (Scotland) Act 2003<sup>(5)</sup>; and
  - (e) Schedule 14 (except paragraph 13) (amendments of Part 5 of Police Act 1997) as it extends to Scotland.
- (2) 1st May 2006 is the appointed day for the coming into force of the following provisions of the Serious Organised Crime and Police Act 2005–
- (a) section 77 (financial reporting orders: making in Scotland); and
  - (b) sections 79, 80(1) and (2) and 81 (financial reporting orders: effect, variation and revocation, verification and disclosure) so far as they extend to Scotland.

St Andrew's House,  
Edinburgh  
22nd March 2006

*CATHY JAMIESON*  
A member of the Scottish Executive

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<sup>(3)</sup> 2001 asp 8.  
<sup>(4)</sup> 2003 asp 5.  
<sup>(5)</sup> 2003 asp 7.

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## 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 article 2(1) are brought into force on 1st April 2006, and those specified in article 2(2) are brought into force on 1st May 2006.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Serious Organised Crime and Police Act 2005 have been, or are to be, brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) and (2) (partially)	1st March 2006	<a href="#">2006/378</a>
Section 1(1) and (2) (to the extent not already in force)	1st April 2006	<a href="#">2006/378</a>
Section 1(3)	1st January 2006	<a href="#">2005/3495</a>
Sections 2 to 5	1st April 2006	<a href="#">2006/378</a>
Section 6	1st March 2006	<a href="#">2006/378</a>
Section 7	1st April 2006	<a href="#">2006/378</a>
Sections 8 to 10	1st January 2006	<a href="#">2005/3495</a>
Sections 11 to 16	1st April 2006	<a href="#">2006/378</a>
Sections 17 and 18	1st January 2006	<a href="#">2005/3495</a>
Sections 19 to 26	1st April 2006	<a href="#">2006/378</a>
Section 27	1st January 2006	<a href="#">2005/3495</a>
Sections 28 to 38	1st April 2006	<a href="#">2006/378</a>
Section 39	1st January 2006	<a href="#">2005/3495</a>
Sections 40 and 41	1st April 2006	<a href="#">2006/378</a>
Section 42	1st January 2006	<a href="#">2005/3495</a>
Sections 43 and 44(1)	1st March 2006	<a href="#">2006/378</a>
Section 44(2)	1st January 2006	<a href="#">2005/3495</a>
Sections 45 to 51	1st April 2006	<a href="#">2006/378</a>
Section 52	1st January 2006	<a href="#">2005/3495</a>
Section 53	1st April 2006	<a href="#">2006/378</a>
Section 54	1st January 2006	<a href="#">2005/3495</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 55(1) (partially)	1st March 2006	2006/378
Section 55(2)	1st March 2006	2006/378
Section 55 (to the extent not already in force)	1st April 2006	2006/378
Sections 56 and 57	1st April 2006	2006/378
Section 58	1st January 2006	2005/3495
Section 59 (partially)	1st January 2006	2005/3495
Section 59 (to the extent not already in force)	1st April 2006	2006/378
Sections 60 to 70 (as to England and Wales)	1st April 2006	2005/1521
Sections 71 to 75	1st April 2006	2006/378
Section 76	1st April 2006	2006/378
Section 78	1st April 2006	2006/378
Sections 79 to 81 (as to England, Wales and Northern Ireland)	1st April 2006	2006/378
Sections 82 to 94 (as to England and Wales and Northern Ireland)	1st April 2006	2005/1521
Section 95	1st July 2005	2005/1521
Section 96 (Scotland)	1st July 2005	S.S.I. 2005/358
Section 96 (England, Wales and Northern Ireland)	1st July 2005	2005/1521
Section 97	1st July 2005	2005/1521
Section 98	1st January 2006	2005/3136
Sections 99 to 101	1st July 2005	2005/1521
Sections 103 to 108	1st July 2005	2005/1521
Section 109 (partially)	1st August 2005	2005/2026
Section 109 (to the extent not already in force)	1st January 2006	2005/3136
Sections 110 and 111	1st January 2006	2005/3495
Section 112	1st July 2005	2005/1521
Sections 113 and 114(1) to (8)	1st January 2006	2005/3495
Section 115	1st July 2005	2005/1521
Section 116(1) to (3) and (5)	1st August 2005	2005/2026
Section 116 (to the extent not already in force)	1st January 2006	2005/3495

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 118	1st January 2006	2005/3495
Section 119	1st July 2005	2005/1521
Section 122(1) to (6)	1st August 2005	2005/2026
Section 122(7) (partially)	1st July 2005	2005/1521
Section 122(7) (partially)	1st January 2006	2005/3495
Sections 123 to 131	1st July 2005	2005/1521
Section 132 (partially)	1st July 2005	2005/1521
Section 132 (to the extent not already in force)	1st August 2005	2005/1521
Section 133 (partially)	1st July 2005	2005/1521
Section 133 (to the extent not already in force)	1st August 2005	2005/1521
Section 134 (partially)	1st July 2005	2005/1521
Section 134 (to the extent not already in force)	1st August 2005	2005/1521
Sections 135 to 137	1st August 2005	2005/1521
Sections 138 to 143	1st July 2005	2005/1521
Sections 145 to 155	1st July 2005	2005/1521
Sections 156	1st July 2005	S.S.I. 2005/358
Section 157	1st April 2006	2005/1521
Sections 159 to 160	1st July 2005	2005/1521
Section 161 (partially)	1st July 2005	2005/1521
Section 161 (to the extent not already in force)	1st August 2005	2005/2026
Section 162 (partially)	1st July 2005	2005/1521
Section 163(1) and (2) (partially) (as to England and Wales)	6th April 2006	2006/378
Section 163(3) (partially) (as to England and Wales)	6th April 2006	2006/378
Section 164 (as to Scotland)	1st July 2005	S.S.I. 2005/358
Section 164 (to the extent not already in force)	1st July 2005	2005/1521
Section 165 (partially) (as to England, Wales and Northern Ireland)	1st July 2005	2005/1521

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 165 (to the extent not already in force) (as to England and Wales)	6th April 2006	2006/378
Section 166 (partially) (as to Scotland)	1st July 2005	S.S.I. 2005/358
Section 166 (partially) (as to England, Wales and Northern Ireland)	1st July 2005	2005/1521
Sections 168 and 169	1st July 2005	2005/1521
Section 174(1)	1st January 2006	2005/3495
Section 174(2) (partially)	1st July 2005	2005/1521
Section 174(2) (partially)	1st January 2006	2005/3495
Section 174(2) (partially)	1st April 2006	2006/378
Section 174(2) (partially) (as to England and Wales)	6th April 2006	2006/378
Section 175	1st July 2005	2005/1521
Schedule 1 (partially)	1st March 2006	2006/378
Schedule 1 (to the extent not already in force)	1st April 2006	2006/378
Schedule 2 (partially)	1st March 2006	2006/378
Schedule 2 (to the extent not already in force)	1st April 2006	2006/378
Schedule 3	1st January 2006	2005/3495
Schedule 4 (partially)	1st January 2006	2005/3495
Schedule 4 (partially)	1st April 2006	2006/378
Schedule 5 (as to England, Wales and Northern Ireland)	1st April 2006	2005/1521
Schedule 6 (partially)	1st August 2005	2005/2026
Schedule 6 (to the extent not already in force)	1st January 2006	2005/3136
Schedule 7	1st January 2006	2005/3495
Schedule 8 (partially)	1st July 2005	2005/1521
Schedule 8 (to the extent not already in force)	1st January 2006	2005/3495
Schedule 9 (partially)	1st July 2005	2005/1521
Schedules 11 and 12	1st July 2005	2005/1521
Schedule 14 (partially) (as to England and Wales)	6th April 2006	2006/378

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 16	1st January 2006	<a href="#">2005/3495</a>
Schedule 17 (partially)	1st July 2005	<a href="#">2005/1521</a>
Schedule 17 (partially)	1st January 2006	<a href="#">2005/3495</a>
Schedule 17 (partially)	1st April 2006	<a href="#">2006/378</a>
Schedule 17 (partially) (as to England and Wales)	6th April 2006	<a href="#">2006/378</a>