



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 7

#### SUPPLEMENTAL

#### **105 Powers of Secretary of State to make orders and regulations**

- (1) Every power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made in exercise of any such power, other than an order to which subsection (3) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This subsection applies to—
  - (a) any order under section 9(7) or 108; and
  - (b) any order that is required to be approved in draft by virtue of section 19(3) [<sup>F1</sup>, 38A(4)] [<sup>F2</sup> or 41B] [<sup>F3</sup> . . . [<sup>F4</sup> or paragraph 15A(2) of Schedule 4 or paragraph 9A(2) of Schedule 5] .
- (4) Every power of the Secretary of State to make an order or regulations under this Act, other than an order under section 9(7) or 108, shall include power—
  - (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.
- (5) Every power of the Secretary of State to make provision by regulations under Part 2 shall include power to make provision for any of the matters that may be provided for to be determined, in accordance with the regulations, by the Independent Police Complaints Commission.

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### Textual Amendments

- F1** Words in s. 105(3)(b) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 4](#); S.I. 2007/709, [art. 3\(h\)](#) (subject to arts. 6, 7)
- F2** Words in s. 105(3)(b) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 46](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F3** Words in s. 105(3)(b) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (subject to arts. 6, 7)
- F4** Words in s. 105(3)(b) inserted (20.1.2004) by Anti-social [Behaviour Act 2003 \(c. 38\)](#), [ss. 89\(2\)](#), 93; S.I. 2003/3300, [art. 2\(f\)\(iv\)](#)

## 106 General interpretation

In this Act—

“the 1984 Act” means the Police and Criminal Evidence Act 1984 (c. 60);

“the 1996 Act” means the Police Act 1996 (c. 16);

“the 1997 Act” means the Police Act 1997 (c. 50);

[<sup>F5</sup>the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland;]

[<sup>F6</sup>“the British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]

“modifications” includes omissions, alterations and additions, and cognate expressions shall be construed accordingly.

### Textual Amendments

- F5** Words in s. 106 inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, [Sch. 4 para. 18](#); S.I. 2007/709, [art. 3\(d\)](#) (subject to arts. 6, 7)
- F6** S. 106: definition of “British Transport Police Force” ceased to have effect (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, [Sch. 5 para. 4](#) (with s. 72); S.I. 2004/1572, [art. 3\(jjj\)](#)

### Modifications etc. (not altering text)

- C1** S. 106 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, [Sch. 5 para. 4](#) (with s. 72); S.I. 2004/1572, [art. 3\(jjj\)](#)

## 107 Consequential amendments and repeals

- (1) Schedule 7 (which makes minor and consequential amendments) shall have effect.
- (2) The enactments specified in Schedule 8 (which include provisions that are spent or have ceased to be of any practical utility) are hereby repealed to the extent specified in the second column of that Schedule.

### Commencement Information

- I1** S. 107 partly in force; s. 107(2) in force at Royal Assent for certain purposes, see s. 108(2)(3); s. 107 in force for certain purposes at 1.10.2002 by S.I.2002/2306, [art. 2\(g\)\(i\)](#); s. 107 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, [art. 2\(b\)\(i\)](#); s. 107(2) in force for certain purposes at

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1.4.2003 by S.I. 2003/808, **art. 2(k)**; s. 107 in force for certain purposes at 1.4.2004 by S.I. 2004/913, **art. 2(c)**; s. 107 in force for certain purposes for E. at 30.4.2004 by S.I. 2004/913, **art. 3(b)**; s. 107(2) in force for certain purposes at 1.6.2004 by S.I. 2004/1319, **art. 2(e)**; s. 107(1) in force in so far as not already in force and s. 107(1)(2) in force for certain purposes at 23.12.2004 by S.I. 2004/3338, **art. 3(a)**

## 108 Short title, commencement and extent

- (1) This Act may be cited as the Police Reform Act 2002.
- (2) This Act, except—
  - (a) the provisions specified in subsection (3) (which come into force on the day on which this Act is passed), and
  - (b) the provisions to which subsections (4) and (5) apply,shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.
- (3) The provisions coming into force on the day on which this Act is passed are—
  - (a) section 100, the entries in Schedule 8 relating to the Housing Act 1985 (c. 68), the Housing Act 1988 (c. 50), paragraphs 51 and 59 of Schedule 27 to the Greater London Authority Act 1999 (c. 29) and paragraph 74 of Schedule 6 to the Criminal Justice and Police Act 2001 (c. 16) and section 107(2) (so far as relating to those entries); and
  - (b) sections 105 and 106 and this section.
- (4) The provisions of sections 97 and 98, so far as they relate to local government areas in Wales, shall come into force on such day as the National Assembly for Wales may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes or different areas.
- (5) Sections 70 and 71, and sections 102 to 104 so far as they amend the Police (Scotland) Act 1967 (c. 77), shall come into force on such day as the Scottish Ministers may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.
- (6) Subject to subsections (7) to (9), this Act extends to England and Wales only.
- (7) This Act extends to the United Kingdom so far as it makes the following provision—
  - (a) the provision contained in Part 5;
  - (b) the provision contained in section 82;
  - (c) <sup>F7</sup> .....
  - (d) the provision contained in section 103(6);
  - (e) <sup>F8</sup> .....
- (8) Section 96 also extends to Northern Ireland.
- (9) Subject to subsection (10), this Act, so far as it amends or repeals any enactment (other than one that extends to England and Wales only), has the same extent as the enactment amended or repealed.
- (10) The amendments and repeals made by this Act—
  - (a) in section 96 of the Road Traffic Regulation Act 1984 (c. 27) (traffic wardens),

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- (b) in sections 103 and 183 of the Road Traffic Act 1988 (c. 52) (driving while disqualified), and
- (c) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties),
- do not extend to Scotland.

#### Subordinate Legislation Made

- P1** S. 108(2) power partly exercised: 1.10.2002 and 1.11.2002 appointed for specified provisions by {S.I. 2002/2306}, arts. 2-5;  
S. 108(2) power partly exercised: 2.12.2002, 1.1.2003 and 3.2.2003 appointed for specified provisions by {S.I. 2002/2750}, arts. 2-5
- P2** S. 108(2) power partly exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/808}, art. 2
- P3** S. 108(2) power partly exercised: 15.11.2003 appointed for specified provisions and purposes by {S.I. 2003/2593}, art. 2
- P4** S. 108(2) power partly exercised: 23.2.2004 appointed for specified provision for E. by {S.I. 2004/119}, art. 2
- P5** S. 108(2) power partly exercised: 9.3.2004 appointed for specified provision by {S.I. 2004/636}, art. 2
- P6** S. 108(2) power partly exercised: different dates appointed for specified provisions and purposes by {S.I. 2004/913}, arts. 2, 3
- P7** S. 108(2) power partly exercised: 1.6.2004 appointed for specified provisions by {S.I. 2004/1319}, art. 2
- P8** S. 108(2) power partly exercised: 23.12.2004 appointed for specified provisions and purposes by {S.I. 2004/3338}, arts. 2, 3
- P9** S. 108(4) power fully exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/525}, art. 2
- P10** S. 108(5) power fully exercised: 1.10.2002 appointed by {S.S.I. 2002/420}, art. 2

#### Textual Amendments

- F7** S. 108(7)(c) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 15 Pt. 1(A); S.I. 2007/709, art. 3(q) (subject to arts. 6, 7)
- F8** S. 108(7)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 10, Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

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