

*These notes refer to the Offender Management Act 2007
(c.21) which received Royal Assent on 26 July 2007*

OFFENDER MANAGEMENT ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Supplemental

Section 36: Orders and Regulations

147. This section sets out the level of parliamentary scrutiny applicable to orders and regulations made under the Act. It does not apply to commencement orders which are not subject to any Parliamentary procedure. Save for orders made under section 5(3)(c), section 14(2)(h) or (7), section 15 or section 38(2)(a), which are subject to the affirmative procedure, orders and regulations will be subject to negative resolution procedure.

Section 37: Financial Provisions

148. This section gives the Secretary of State authority to spend money provided by Parliament for the purposes of the Act.

Section 38: Power to make consequential and transitional provision etc

149. This section enables the Secretary of State, by order, to make any supplemental, incidental or consequential provision, and any transitory, transitional or saving provision which he considers necessary to give full effect to the Act.

150. *Subsection (2)(a)* states that such an order may amend, repeal or revoke any enactment and *subsection (2)(b)* states that the order may also provide for any provision of this Act which comes into force before another provision has come into force to have effect until that other provision has come into force, with specified modifications. The power in subsection (2)(a) is subject to the affirmative procedure by virtue of section 36(3)(d).

151. *Subsection (3)* makes clear that the reference to an enactment in subsection (2) includes legislation which is passed or made before the end of the 2007/2008 parliamentary session.

Section 39: Minor and consequential amendments, transitionals and repeals

152. This section gives effect to Schedules 3, 4 and 5 which deal with minor and consequential amendments, transitional provisions and savings, and repeals respectively.

Section 40: Extent

153. The Bill forms part of the law of England and Wales only, save for the exceptions listed.

Section 41: Commencement

154. This section sets out the arrangements for bringing into force the provisions of the Act.

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155. *Subsection (1)* states that the preceding provisions shall come into force on a day which the Secretary of State may, by order, appoint.
156. *Subsection (2)* states that different provisions may be brought into force at different times and in different areas.
157. *Subsection (3)* states that orders under this section may include transitional provisions or savings.
158. *Subsection (4)* provides that, unless making provision as set out in subsections (5)(a) and (6), an order made bringing into force anything in sections 24 or 25 (which relate to polygraph testing) will be subject to the affirmative resolution procedure.
159. *Undersubsection (5)(a)*, the Secretary of State may by order bring polygraph testing as a condition of licence into force in a specified area for a specified period.
160. *Subsection (6)* provides that an order made under subsection 5(a) may be amended by a subsequent order so as to extend the period in which polygraph testing as a condition of licence is in force in respect of the specified area.

Section 42: Short title

161. This Section sets out the short title of the Bill.