



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 9

#### GENERAL

#### **112 Minor and consequential amendments and repeals and revocations**

- (1) Schedule 7 (which contains minor and consequential amendments and repeals and revocations of provisions which are superseded or no longer required or which have not been brought into force) has effect.
- (2) The provisions listed in Schedule 8 are repealed or revoked to the extent specified.
- (3) The Secretary of State may by order make such supplementary, incidental or consequential provision as the Secretary of State considers appropriate for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (4) The power conferred by subsection (3)—
  - (a) is exercisable by statutory instrument, and
  - (b) includes power to make transitional, transitory or saving provision.
- (5) The power conferred by this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including this Act and any Act passed in the same Session as this Act).
- (6) An instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Subsection (6) does not apply to an instrument containing an order under this section if the order does not amend or repeal a provision of a public general Act.
- (8) An instrument containing an order under this section to which subsection (6) does not apply is subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/03/2016.*

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- (9) For the purposes of subsection (7), an amendment or repeal is not an amendment or repeal of a provision of a public general Act if it is an amendment or repeal of a provision which has been inserted (whether by substitution or otherwise) into such an Act by a local Act or by any other Act which is not a public general Act.

#### Commencement Information

- I1** S. 112 partly in force; s. 112(3)-(9) in force and s. 112(2) in force for certain purposes at Royal Assent and s. 112(1)(2) in force for certain purposes at 1.12.2010, see s. 116(5)(c)(d)(6)(a)(b)
- I2** S. 112 in force at 1.6.2015 for specified purposes by S.I. 2015/983, **art. 2(2)(d)**
- I3** S. 112(1) in force at 25.1.2010 for specified purposes by S.I. 2009/3096, **art. 3(v)(w)**
- I4** S. 112(1) in force at 12.3.2010 for specified purposes by S.I. 2010/507, **art. 4(b)**
- I5** S. 112(1) in force at 1.4.2010 for specified purposes by S.I. 2010/507, **art. 5(d)**
- I6** S. 112(1) in force at 6.4.2010 for specified purposes for E. by S.I. 2010/722, **art. 3(c)** (with arts. 4-12)
- I7** S. 112(1) in force at 8.5.2010 for specified purposes for W. by S.I. 2010/999, **art. 3**
- I8** S. 112(1) in force at 10.9.2012 for specified purposes for E.W.N.I. by S.I. 2012/2235, **art. 2(b)**
- I9** S. 112(1) in force at 22.11.2014 for specified purposes by S.I. 2014/3101, **art. 2(c)**
- I10** S. 112(1) in force at 22.11.2014 for specified purposes by S.I. 2014/3101, **art. 3**
- I11** S. 112(1) in force at 1.3.2016 in so far as not already in force by S.I. 2016/147, **art. 3(g)**
- I12** S. 112(2) in force at 25.1.2010 for specified purposes by S.I. 2010/52, **art. 2**
- I13** S. 112(2) in force at 29.1.2010 for specified purposes by S.I. 2010/125, **art. 2(p)(q)**
- I14** S. 112(2) in force at 1.4.2010 for specified purposes by S.I. 2010/507, **art. 5(r)**
- I15** S. 112(2) in force at 19.4.2010 for specified purposes by S.I. 2010/999, **art. 2(c)**
- I16** S. 112(2) in force at 1.3.2016 in so far as not already in force by S.I. 2016/147, **art. 3(h)** (with art. 5)

### 113 Transitional, transitory and saving provision

The Secretary of State may by order made by statutory instrument make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.

#### [<sup>F1</sup>113A Northern Ireland: minor and consequential amendments etc

- (1) In relation to the making of provision that could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), in sections 112(3) and 113 references to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.
- (2) The power of the Department of Justice to make an order under section 112 or 113 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (3) Section 112(6) to (8) does not apply in relation to the power of the Department of Justice to make an order under section 112.
- (4) The Department of Justice may not make an order under section 112 unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) Subsection (4) does not apply to an order if the order does not amend or repeal a provision of a public general Act.

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- (6) An order made by the Department of Justice under section 112 to which subsection (4) does not apply is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (7) Section 112(9) applies for the purposes of subsection (5) as it applies for the purposes of section 112(7).
- (8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (4) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]

#### Textual Amendments

- F1** [S. 113A](#) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 106](#) (with arts. 28-31)

## 114 Financial provisions

The following are to be paid out of money provided by Parliament—

- (a) any expenditure incurred by virtue of this Act by a Minister of the Crown or government department, and
- (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

## 115 Extent

- (1) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked subject to—
  - (a) subsections (2) to (6), and
  - (b) any express limitation contained in Schedule 7 or 8.
- (2) The following provisions extend to England and Wales and Northern Ireland only—
  - (a) section 21 and Schedule 2,
  - (b) sections 22 to 25,
  - (c) section 30,
  - (d) section 97,
  - (e) section 106.
- (3) The following provisions extend to England and Wales only—
  - (a) section 10(2),
  - (b) section 27 and Schedule 3,
  - (c) Part 4,
  - (d) sections 93, 94 and 95,
  - (e) section 104(1) and (2) (so far as relating to the Football Spectators Act 1989 (c. 37)).
- (4) Section 102 extends to England and Wales, Scotland and Northern Ireland.
- (5) Section 104(1) and (2) (so far as relating to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)) extends to Scotland only.

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- (6) Subsections (1) and (3) to (5) of section 105 extend to Scotland and Northern Ireland and subsection (2) of that section extends to Scotland only.

## 116 Commencement

- (1) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint.

[<sup>F2</sup>(1A) [<sup>F3</sup>Subject to subsection (2A),] the power to make provision by order under subsection (1) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

- (2) Before making an order under subsection (1) relating to section 104 or 105, the Secretary of State [<sup>F4</sup>(but not the Department of Justice)] must obtain the consent of the Scottish Ministers.

[<sup>F5</sup>(2A) The power to make an order under subsection (1) relating to section 57 is exercisable by the Secretary of State only with the consent of the Department of Justice in Northern Ireland.]

- (3) The following provisions come into force on such day as the Treasury may by order appoint—

- (a) section 98,
- (b) section 99 and Part 9 of Schedule 8 (and section 112(2) so far as relating to that Part), and
- (c) section 101.

- (4) Section 27, Schedule 3 and paragraph 23 of Schedule 7 come into force—

- (a) in relation to England, on such day as the Secretary of State may by order appoint, and
- (b) in relation to Wales, on such day as the Welsh Ministers may by order appoint.

- (5) The following provisions come into force on the day on which this Act is passed—

- (a) section 81,
- (b) section 100,
- (c) section 111 and Part 12 of Schedule 8 (and section 112(2) so far as relating to that Part), and
- (d) sections 112(3) to (9) and 113 to 115, this section and section 117.

- (6) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—

- (a) Part 13 of Schedule 7 (and section 112(1) so far as relating to that Part), and
- (b) Part 13 of Schedule 8 (and section 112(2) so far as relating to that Part).

- (7) Any power to make an order under this section—

- (a) may be exercised by statutory instrument [<sup>F6</sup>(subject to subsection (8))],
- (b) may be exercised so as to appoint different days for different purposes or different areas,
- (c) includes power to make transitional, transitory or saving provision.

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[<sup>F7</sup>(8) The power of the Department of Justice in Northern Ireland to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]

#### Textual Amendments

- F2** S. 116(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(2)** (with arts. 28-31)
- F3** Words in s. 116(1A) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **18(3)(a)** (with arts. 24-28)
- F4** Words in s. 116(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(3)** (with arts. 28-31)
- F5** S. 116(2A) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **18(3)(b)** (with arts. 24-28)
- F6** Words in s. 116(7)(a) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(4)** (with arts. 28-31)
- F7** S. 116(8) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(5)** (with arts. 28-31)

#### 117 Short title

This Act may be cited as the Policing and Crime Act 2009.

**Status:**

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**Changes to legislation:**

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