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STATUTORY INSTRUMENTS

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**1997 No. 1930 (C. 79)**

**POLICE**

**The Police Act 1997 (Commencement No. 3 and Transitional Provisions) Order 1997**

<i>Made</i>	- - - -	<i>1st August 1997</i>
<i>Laid before Parliament</i>		<i>11th August 1997</i>
<i>Coming into force</i>	- -	<i>1st September 1997</i>

In exercise of the powers conferred upon me by section 135 of the Police Act 1997<sup>(1)</sup>, I hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Police Act 1997 (Commencement No. 3 and Transitional Provisions) Order 1997 and shall come into force on 1st September 1997.

(2) In this Order “the 1997 Act” means the Police Act 1997.

**Commencement on 1st September 1997**

2.—(1) Subject to the modifications set out in paragraph (3) below, the provisions of the 1997 Act which are listed in paragraph (2) below shall come into force on 1st September 1997.

(2) The provisions referred to in paragraph (1) above are—

- (a) section 2(6), so far as it relates to any directions given under section 27;
- (b) section 3(2) to (4);
- (c) sections 25 to 27;
- (d) section 48(7), so far as it relates to any directions given under section 72;
- (e) section 49(2) to (4);
- (f) sections 70 to 72;
- (g) section 91, except subsection (10);
- (h) section 96, for the purpose of making orders;
- (i) section 109(1);

- (j) section 109(2), so far as it relates to paragraphs 1, (except sub-paragraph (6)), 2 (except sub-paragraphs (3) (e) and (f)), 4, 8(1), 9, 10 (except the reference to paragraph 1 (3) (e) in sub-paragraph (1) (a) and the reference to paragraph 1 (3) (f) in sub-paragraph (1) (b)), 11 and 18 of Schedule 8;
- (k) section 109(3) and (5), for the purpose of making orders;
- (l) section 111, except subsections (1) (c) and (d), (2) (d) and (e) and (3) (c) and (d);
- (m) Schedule 4;
- (n) paragraphs 3, 5 and 10 of Schedule 6;
- (o) paragraph 1 of Schedule 8; except sub-paragraph (3) (e) and (f);
- (p) paragraph 2 of Schedule 8, except sub-paragraph (6);
- (q) paragraph 4 of Schedule 8;
- (r) paragraph 8 (1) of Schedule 8;
- (s) paragraph 9 of Schedule 8;
- (t) paragraph 10 of Schedule 8, except the reference to paragraph 1 (3) (e) in sub-paragraph (1) (a) and the reference to paragraph 1 (3) (f) in sub-paragraph (1) (b);
- (u) paragraph 11 of Schedule 8;
- (v) paragraph 18 of Schedule 8;
- (w) section 134, so far as it relates to paragraphs 3, 8, 9, 28, 29(3), 41, 72, 81, 82 and 83 of Schedule 9;
- (x) paragraphs 3, 8, 9, 29 (3), 82 and 83 of Schedule 9.

(3) Notwithstanding the provisions of section 111 of the 1997 Act, in paragraph 1 (2) of Schedule 8 to that Act the reference to “police authorities” shall not include the Police Authority for Northern Ireland and the reference to “chief officers of police” shall not include the Chief Constable of the Royal Ulster Constabulary.

#### **Commencement on 8th October 1997**

3.—(1) The provisions of the 1997 Act which are listed in paragraph (2) below shall come into force on 8th October 1997.

- (2) The provisions referred to in paragraph (1) above are—
  - (a) section 2(6), so far as it relates, to any directions given under Schedule 3;
  - (b) section 17 (1) and (6);
  - (c) section 48(7), so far as it relates to any directions given under Schedule 5;
  - (d) section 62 (1) and (6); and
  - (e) Schedules 3 and 5.

#### **Transitional provision about Director General**

4.—(1) Prior to the Director General appointed under sections 6 or 52 of the 1997 Act taking up his post, the Secretary of State may designate a person to carry out the functions of the Director General of NCIS and the Director General of National Crime Squad.

(2) Sections 3 (4) (a), 26 (2) (b) and (f), 49 (4) (a) and 71 (2) (b) and (f) of, and paragraph 1 (4) (a) of Schedules 3 and 5 to, the 1997 Act shall have effect as if the references to the Director General of NCIS and the Director General of the National Crime Squad were references to the person designated to carry out the functions of the Director General of NCIS under paragraph (1) above and

the person designated to carry out the functions of the Director General of NCS under paragraph (1) above respectively.

Home Office

1st August 1997

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order brings into force various provisions of the Police Act 1997 in respect of the National Criminal Intelligence Service (“NCIS”), the National Crime Squad (“NCS”) and the Police Information Technology Organisation (“the Organisation”) on 1st September 1997 and 8th October 1997. The Order also amends various provisions relating to NCIS, NCS and the Organisation (including modification of the application of Part IV of the Act in relation to Northern Ireland) and brings into force sections 91 (1) to (9) and 96, which relate to intrusive surveillance.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Police Act 1997 have been brought into force by commencement order before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 17, 47, 62, 129 and Schedules 1 and 2 (all partially only); and sections 44, 45, 46, 89, 90, 128, 130, 131 and 132	25.6.1997	<a href="#">1997/1377 (C. 50).</a>
Sections 1 and 47 and Schedules 1 and 2 (for the purposes for which they are not already in force), sections 6, 13, 14, 15, 16, 18, 52, 58, 59, 60, 61, 63, 88 (partially), 134 (partially), paragraphs 27 and 41 of Schedule 9 (partially) and paragraphs 28, 40 and 88 of Schedule 9	23.7.1997	<a href="#">1997/1377 (C. 50).</a>
Section 101	5.8.1997	<a href="#">1997/1696 (C. 71).</a>