

2007 No. 709 (C. 30)

POLICE

HOUSING, ENGLAND

**The Police and Justice Act 2006 (Commencement No. 2,
Transitional and Saving Provisions) Order 2007**

Made - - - -

6th March 2007

The Secretary of State makes the following Order in exercise of the powers conferred by sections 49(3) and 53(1) of the Police and Justice Act 2006(a).

Citation and interpretation

1.—(1) This Order may be cited as the Police and Justice Act 2006 (Commencement No. 2, Transitional and Saving Provisions) Order 2007.

(2) In this Order —

“the 1996 Act” means the Police Act 1996(b);

“the 1999 Act” means the Local Government Act 1999(c);

“the 2002 Act” means the Police Reform Act 2002(d); and

“the 2006 Act” means the Police and Justice Act 2006.

Commencement

2. Subject to article 5, section 4 of the 2006 Act (police authorities as best value authorities) shall come into force on 31st March 2007.

3. Subject to articles 6 and 7 the following provisions of the 2006 Act shall come into force on 1st April 2007—

(a) section 1 (national policing improvement agency) and Schedule 1 (national policing improvement agency) other than paragraph 30(3) of that Schedule;

(b) section 2 (amendments to the 1996 Act) in so far as it relates to the entries in Schedule 2 (amendments to the 1996 Act) referred to in sub-paragraph (c);

(c) paragraphs 16 to 23 and 27 to 29 of Schedule 2;

(d) section 6 (consultation with APA and ACPO) and Schedule 4 (consultation with APA and ACPO);

(e) section 7(2) (standard powers and duties of community support officers);

(a) 2006 c.48.
(b) 1996 c.16.
(c) 1999 c.27.
(d) 2002 c.30.

- (f) section 8 (community support officers: power to deal with truants);
- (g) section 9 (exercise of police powers by civilians) in so far as it relates to the entry in paragraphs 4 and 5(2)(a) of Schedule 5 (exercise of police powers by civilians);
- (h) paragraphs 4 and 5(2)(a) of Schedule 5;
- (i) section 10 (police bail) and Schedule 6 (police bail);
- (j) section 12 (power to stop and search at aerodromes);
- (k) section 15 (accreditation of weights and measures inspectors) and Schedule 7 (insertions into the 2002 Act);
- (l) section 16 (power to apply accreditation provisions);
- (m) Part 4 (inspectorates)(a);
- (n) section 45 (attendance by accused at certain preliminary hearings) to the extent not already in force and section 46 (live link bail), in the local justice area(b) of Lambeth and Southwark;
- (o) section 52 (amendments and repeals) in so far as it relates to the entries in Schedules 14 (minor and consequential amendments) and 15 (repeals and revocations) in subparagraphs (p) to (t);
- (p) paragraphs 1, 5, 8, 11, 14, 16, 30, 31, 35, 37, 40, 42 to 46, 48, 52, 58 and 60 of Schedule 14;
- (q) Part 1(A) (national policing improvement agency) of Schedule 15;
- (r) in Part 1(B) (other repeals relating to Part 1) of Schedule 15 the entries relating to —
 - (i) sections 6(4), 15(3), 30(3) and (4), 41A and 41B of the 1996 Act;
 - (ii) the Criminal Procedure and Investigations Act 1996(c); and
 - (iii) sections 5 and 96 of the 2002 Act;
- (s) in Part 1(B) (other repeals relating to Part 1) of Schedule 15 the entries relating to —
 - (i) the Employment Rights Act 1996(d);
 - (ii) the Greater London Authority Act 1999(e);
 - (iii) the Insolvency Act 2000(f);
 - (iv) section 94 of the 2002 Act; and
 - (v) the Courts Act 2003(g);
- (t) in Part 2 of Schedule 15 (repeals: powers of police etc) the entries relating to—
 - (i) the Aviation Security Act 1982(h);
 - (ii) the Police and Criminal Evidence Act 1984(i); and
 - (iii) the Criminal Justice Act 2003(j).

4. Subject to article 8, the following provisions of the 2006 Act shall come into force on 6th April 2007—

- (a) section 26 (anti-social behaviour injunctions);

(a) Part 4 contains provisions relating to Her Majesty’s Chief Inspector of Prisons, Her Majesty’s Inspectors of Constabulary, Her Majesty’s Chief Inspector of the Crown Prosecution Service, Her Majesty’s Inspectorate of the National Probation Service for England and Wales, Her Majesty’s Inspectorate of Court Administration and transitional provisions.

(b) The local justice areas into which England and Wales is divided are specified in the Local Justice Areas Order 2005 (2005/554).

(c) 1996 c.25.

(d) 1996 c.18.

(e) 1999 c.29.

(f) 2000 c.39.

(g) 2003 c.39.

(h) 1982 c.36.

(i) 1984 c.60.

(j) 2003 c.44.

- (b) section 27 (injunctions in local authority proceedings: powers of arrest and remand) and Schedule 10 (injunctions in local authority proceedings: powers to remand);
- (c) section 52 in so far as it relates to the entries in sub-paragraphs (d) and (e);
- (d) paragraphs 12, 13, 32 and 33 of Schedule 14; and
- (e) in Part 3 of Schedule 15 (repeals: crime and anti-social behaviour) the entries relating to the Anti-social Behaviour Act 2003(a).

Transitional and saving provisions

5.—(1) Notwithstanding the coming into force of section 4 of the 2006 Act(b) (police authorities as best value authorities), a police authority(c) shall continue to be a best value authority for the purposes of section 6(d) of the 1999 Act (best value performance plans) in so far as that provision requires the preparation and publication of a best value performance plan for the financial years ending 31st March 2008 and 31st March 2009 which—

- (a) in accordance with section 6(2)(e) of the 1999 Act states any performance indicators specified by the Secretary of State under section 4(1)(a) of that Act in relation to the authority's functions; and
- (b) in accordance with section 6(2)(f) of the 1999 Act summarises the authority's assessment of its performance in the previous financial year with regard to those performance indicators.

(2) A best value performance plan published in accordance with paragraph (1) shall be published in accordance with article 6 (date specified for the publication of plans) of the Local Government (Best Value) Performance Plans and Reviews Amendment and Specified Dates Order 2002(e).

6.—(1) As respects the financial year referred to in paragraph 47(2)(a) of Schedule 1 to the 2006 Act (first financial year), paragraph 5(1) of that Schedule (annual plans) shall have effect as if, for the reference to the beginning of the financial year, there is substituted 1st June 2007.

(2) Nothing in the coming into force of Part 1 of Schedule 15 to the 2006 Act and the repeal of paragraph 16 (police information technology organisation accounts) of Schedule 8 to the Police Act 1997(f) shall affect the duties relating to the statement of accounts of the Police Information Technology Organisation in respect of the financial year ending on 31st March 2007, but that paragraph shall have effect so as to require the statements to be prepared by the National Policing Improvement Agency.

(3) Nothing in the coming into force of Part 1 of Schedule 15 to the 2006 Act and the repeal of paragraph 17 (police information technology organisation annual reports) of Schedule 8 to the Police Act 1997 shall affect the duties relating to the annual report of the Police Information Technology Organisation in respect of the financial year ending on 31st March 2007, but that paragraph shall have effect so as to require the report to be prepared by the National Policing Improvement Agency.

(4) Nothing in the coming into force of Part 1 of Schedule 15 to the 2006 Act and the repeal of section 95 (central police training and development authority annual reports) of the Criminal Justice and Police Act 2001(g) shall affect the duties relating to the annual report of the Central Police Training and Development Authority in respect of the financial year ending on 31st March 2007, but that section shall have effect so as to require the report to be prepared by the National Policing Improvement Agency.

(a) 2003 c.38.

(b) Section 4 of the 2006 Act provides that a police authority is not a best value authority for the purposes of a number of provisions of the 1999 Act, including section 6 (best value performance plans).

(c) The term "police authority" has the meaning ascribed to it in section 101(1) of the Police Act 1996 by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30).

(d) Section 6 of the 1999 Act has been amended by paragraphs 4 and 7 of Schedule 3 to the Local Government Act 2003 (c. 26).

(e) S.I. 2002/305.

(f) 1997 c.50.

(g) 2001 c.16.

(5) Nothing in the coming into force of Part 1 of Schedule 15 to the 2006 Act and the repeal of paragraph 26 (central police training and development authority accounts) of Schedule 4 to the Criminal Justice and Police Act 2001 shall affect the duties relating to the statement of accounts of the Central Police Training and Development Authority in respect of the financial year ending on 31st March 2007, but that paragraph shall have effect so as to require the report to be prepared by the National Policing Improvement Agency.

7. Notwithstanding the coming into force of the repeal of the entries in Schedule 15 to the 2006 Act set out in article 3(s) the legislation repealed shall continue to have effect until—

- (a) 31st March 2008 to the extent it relates to Schedule 2 to the 1996 Act; and
- (b) 2nd July 2008 to the extent it relates to Schedules 2A, 3 and 3A to the 1996 Act^(a).

8.—(1) Notwithstanding the coming into force of section 26 of the 2006 Act and the substitution of section 153A of the Housing Act 1996^(b) (anti-social behaviour injunction) made by that section and the amendments to that Act made by paragraphs 32 and 33 of Schedule 14 to the 2006 Act, such substitution, such amendments and the related repeal of section 13(4)(b) of the Anti-social Behaviour Act 2003 made in Part 3 of Schedule 15, shall not have effect in relation to any application for an injunction by a relevant landlord (other than a relevant Welsh landlord) made before 6th April 2007.

(2) Notwithstanding the coming into force of paragraphs 12 and 13 of Schedule 14 to the 2006 Act which amend section 82A of the Housing Act 1985^(c) (demotion because of anti-social behaviour) and section 121A of that Act (order suspending the right to buy because of anti-social behaviour) such amendments shall not have effect in relation to any application for a demotion order or a suspension order made by a landlord (other than a relevant Welsh landlord) made before 6th April 2007.

(3) Notwithstanding the coming into force of Part 3 of Schedule 15 to the 2006 Act and the repeal of section 91 of the Anti-social Behaviour Act 2003 (proceedings under section 222 of the Local Government Act 1972: power of arrest attached to injunction) such repeal shall not have effect in relation to any proceedings to which a local authority is a party that have been commenced before 6th April 2007.

Home Office
6th March 2007

Tony McNulty
Minister of State

(a) Schedules 2, 2A, 3 and 3A of the 1996 Act are repealed by the 2006 Act. Those repeals have been commenced, subject to saving provisions, in the Police and Justice Act 2006 (Commencement No.1, Transitional and Savings Provisions) Order 2006 (2006/3364).

(b) 1996 c.52.

(c) 1985 c.69.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions of the Police and Justice Act 2006 set out in articles 2, 3 and 4 on 31st March, 1st April and 6th April 2007 respectively, subject to the transitional and saving provisions in articles 5, 6, 7 and 8.

Section 4 of the 2006 Act, which will be brought into force on 31st March 2007, provides that a police authority is not a best value authority for the purposes of a number of provisions in the Local Government Act 1999 (“the 1999 Act”), including section 6 of that Act which requires the publication by a best value authority of a best value performance plan containing various types of information. Article 5 of this Order provides that a police authority shall continue to be a best value authority for the purposes of section 6 of the 1999 Act but only in so far as that provision requires the preparation and publication of a best value performance plan for the financial years ending 31st March 2008 and 31st March 2009 which summarises the authority’s assessment of its performance in the previous financial year against a number of performance indicators set by the Secretary of State.

Article 6(1) of this Order provides that for the year beginning 1st April 2007 the obligation on the National Policing Improvement Agency to produce an annual plan before the start of the year shall be an obligation to produce such a plan by 1st June 2007. Article 6(2) to (5) provides that despite the abolition on 1st April 2007 of the Police Information Technology Organisation and the Central Police Training and Development Authority the annual reports and statements of accounts for each body for the financial year ending 31st March 2007 shall still be produced and that this shall be undertaken by the National Policing Improvement Agency.

Article 7 of this Order provides that the commencement of certain repeals relating to the repeal of Schedules 2, 2A, 3 and 3A to the Police Act 1996 shall only have effect once the repeal of those Schedules has effect.

Article 8 of this Order provides that applications made under Chapter 3 (injunctions against anti-social behaviour) of Part 5 of the Housing Act 1996, section 82A (demotion because of anti-social behaviour) and section 121A (order suspending the right to buy because of anti-social behaviour) of the Housing Act 1985 or injunctions under section 222 of the Local Government Act 1972 are not affected by the coming into force of this Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 (in part)	15th January 2007	2006/3364
Section 11	15th January 2007	2006/3364
Section 42	15th January 2007	2006/3364
Section 44	15th January 2007	2006/3364
Section 45 (in part)	15th January 2007	2006/3364
Section 47	15th January 2007	2006/3364
Section 48	15th January 2007	2006/3364
Section 52 (in part)	15th January 2007	2006/3364
Schedule 2 (in part)	15th January 2007	2006/3364
Schedule 14 (in part)	15th January 2007	2006/3364
Schedule 15, Part II (in part)	15th January 2007	2006/3364 and 2007/29

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