



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART V

#### SUPPLEMENTARY

#### 93 Repeals.

The enactments mentioned in Schedule 9 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

- II** S. 93 partly in force; s. 93 not in force at Royal Assent, see s. 94(1); s. 93 in force for certain purposes (8.8.1994) by S.I. 1994/2025, arts. 3(1)(2)(f)(g), 4(1)(2)(e); s. 93 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(i); s. 93 in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(b); s. 93 in force for certain purposes (1.11.1994) by S.I. 1994/2594, arts. 3(n), 7; s. 93 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 93 in force (1.4.1995) for certain purposes by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 93 in force (1.4.1995) for certain purposes by S.I. 1995/685, arts. 3, 4(n) (with transitional provisions in art. 6); s. 93 in force (13.12.1995) for certain purposes by S.I. 1995/3003, art. 2, Sch.; s. 93 in force (1.8.1996) for certain purposes by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

#### 94 Commencement and transitional provisions.

- (1) Except as provided by subsections (2) and (3) below, the preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions of this Act—
  - Part IV and Schedule 8, and
  - Part II of Schedule 9 and section 93 so far as it relates to that Part of that Schedule,

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shall come into force on such day as the Lord Chancellor may by order appoint.

- (3) The following provisions of this Act—
- (a) section 3 and Schedule 2, so far as they relate to—
    - (i) the power to make orders under the section inserted by section 3, or
    - (ii) the power to make regulations under paragraph 11 of the Schedule entitled Schedule 1C set out in Schedule 2,
  - (b) sections 13 and 50,
  - (c) sections 26 and 60, subsections (4) and (7)(a) of section 63, and paragraphs 17 to 20 of Schedule 5, so far as they relate to service in accordance with arrangements made under section 15A(2) of the <sup>M1</sup>Police Act 1964 or section 12A(2) of the <sup>M2</sup>Police (Scotland) Act 1967, and
  - (d) section 44, so far as it relates to paragraphs 17 to 20 of Schedule 5,
- shall come into force on the passing of this Act.
- (4) An order under subsection (1) or (2) above may appoint different days for different purposes or different areas.
- (5) The power to make orders under subsection (1) or (2) above includes power to make such transitional provisions and savings as appear to the Secretary of State or, as the case may be, the Lord Chancellor to be necessary or expedient.
- (6) Without prejudice to the generality of subsection (5) above, an order under subsection (1) above may make provision—
- (a) for the co-existence, for such period as may be prescribed by the order, of the police authorities to be established under section 3 of the <sup>M3</sup>Police Act 1964 (“the new police authorities”) and the police authorities which they are to supersede (“the old police authorities”); for the division of functions between them; for the performance by the old police authorities, before the new police authorities come into existence, of functions prescribed by the order and for consequential and supplementary matters (including the modification of the application in relation to them of provisions of this or any other Act or of any instrument);
  - (b) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (c) for the transfer of members of police forces and other persons;
  - (d) as to pending legal proceedings;
  - (e) for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (f) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (e) above.
- (7) Without prejudice to the generality of subsection (5) above, an order under subsection (2) above may make provision—
- (a) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (b) for the Lord Chancellor, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;

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- (c) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (b) above.
- (8) An order under this section shall be made by statutory instrument which, if the order contains provisions made by virtue of subsections (5) to (7) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Subordinate Legislation Made

- P1** S. 94(1) power exercised as follows;
- different dates appointed for certain provisions by S.I. 1994/2025, **arts. 3-7**;
  - 23.8.1994 appointed for certain provisions by S.I. 1994/2151, **art. 2**;
  - 1.11.1994 appointed for certain provisions by S.I. 1994/2594, **arts. 3, 4** (with transitional provisions in **art. 5**);
  - different dates appointed for certain provisions by S.I. 1994/3075, **arts. 2-4, Sch.** (with transitional provisions in **art. 4(2)**);
  - different dates appointed for certain provisions by S.I. 1994/3262, **arts. 3, 4, Sch.** (with transitional provisions in **arts. 3(2), 4(2)**) (as amended (14.3.1995) by S.I. 1995/246, **art. 2(3)**);
  - 3.2.1995 appointed for certain provisions by S.I. 1995/42, **art. 3**;
  - different dates appointed for certain provisions by S.I. 1995/492, **arts. 2, 3, Schs. 1, 2**;
  - different dates appointed for certain provisions and areas by S.I. 1995/685, **arts. 3-5** (with transitional provisions in **art. 6**);
  - 13.12.1995 appointed for certain provisions by S.I. 1995/3003, **art. 2, Sch.**;
  - 1.8.1996 appointed for certain provisions by S.I. 1996/1646, **art. 2, Sch.** (with savings in **art. 3**)

#### Modifications etc. (not altering text)

- C1** S. 94(4) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(4) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C2** S. 94(5) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(5) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C3** S. 94(7) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(7) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C4** S. 94(8) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(8) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)

#### Marginal Citations

- M1** 1964 c. 48.  
**M2** 1967 c. 77.  
**M3** 1964 c. 48.

**F1**95 .....

#### Textual Amendments

- F1** S. 95 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

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## 96 Extent.

- (1) The following provisions of this Act extend to England and Wales only—
  - sections 1 to 41 together with Schedules 1 to 3;
  - Part IV together with Schedule 8;
  - Schedules 4 and 5 so far as they relate to enactments which extend to England and Wales only.
- (2) Part II of, together with Schedule 6 to, this Act extends to Scotland only.
- (3) The following provisions of this Act extend to Northern Ireland<sup>F2</sup> . . .—
  - sections 43 and 44 together with Schedules 4 and 5 so far as they relate to enactments which extend there;
  - <sup>F2</sup> . . . ;
  - Part V.
- (4) The provisions of Schedule 9 to this Act have the same extent as the enactments repealed.
- (5) Except as provided by subsections (3) and (4) above, this Act does not extend to Northern Ireland.

### Textual Amendments

- F2** Words in s. 96(3) repealed (N.I.) (1.4.1999) by 1998 c. 32, ss. 74(3), 75(1), **Sch. 6** (with Sch. 5); S.R. 1999/176, **art. 3** (subject to transitional provisions in art. 4)

## 97 Short title.

This Act may be cited as the Police and Magistrates' Courts Act 1994.

**Changes to legislation:**

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