

CRIMINAL JUSTICE AND POLICE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 5: The Service Authorities for NCIS and NCS

Section 109: Transitional provision relating to section 108etc

348. *Subsection (1)* enables the order bringing into force section 108 and Schedule 5 to include transitional provisions.
349. *Subsection (2)*. The transitional provision in the order may include provision for the current members of the Service Authorities to be deemed to have resigned and have satisfied all the criteria of resignation, and for co-opted members to cease to be such members, immediately before the coming into force of provisions setting up the newly constituted Service Authorities. They may also provide for decisions about appointments to the newly constituted Service Authorities to be taken before the provisions relating to resignations take effect. This can mean that at the time when the current members are deemed to have resigned from the current Service Authorities the newly designated members are duly appointed to the new Service Authorities thus ensuring continuity of service. This provision also enables the “new” Service Authority to exercise certain functions (e.g. preparing a budget statement in relation to the next financial year) while the “old” Service Authority continues to exercise functions in relation to the current financial year.
350. *Subsection (4)* ensures that, until such time as the new Northern Ireland Police Board (established under the Police (Northern Ireland) Act 2000) is established, the reference in the new paragraph 7B of Schedule 1 to the Police Act 1997 (inserted by Schedule 5 to the Act) to that Board is read as a reference to the existing Police Authority for Northern Ireland. No equivalent provision is needed in the Act in relation to references to the Police Service of Northern Ireland, because the Police (Northern Ireland) Act 2000 itself makes the necessary transitional provision in this regard to ensure that references to this service are read as references to the Royal Ulster Constabulary for as long as necessary.