



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 7

#### SUPPLEMENTAL

#### **105 Powers of Secretary of State to make orders and regulations**

- (1) Every power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made in exercise of any such power, other than an order to which subsection (3) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This subsection applies to—
  - (a) any order under section 9(7) or 108; and
  - (b) [<sup>F1</sup>any order or regulations that are] required to be approved in draft by virtue of section 19(3), [<sup>F2</sup>38(9C),]<sup>F3</sup> ... [<sup>F4</sup>or 41B]<sup>F5</sup> ... <sup>F6</sup> ... [<sup>F7</sup>or paragraph 9A(2) of Schedule 5].
- (4) Every power of the Secretary of State to make an order or regulations under this Act, other than an order under section 9(7) or 108, shall include power—
  - (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.
- (5) Every power of the Secretary of State to make provision by regulations under Part 2 [<sup>F8</sup>or 2B] shall include power to make provision for any of the matters that may be provided for to be determined, in accordance with the regulations, by the [<sup>F9</sup>Director General of the Independent Office for Police Conduct].

*Changes to legislation: Police Reform Act 2002, Section 105 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Textual Amendments

- F1** Words in s. 105(3)(b) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 4\(a\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F2** Word in s. 105(3)(b) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 4\(b\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F3** Word in s. 105(3)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 4\(c\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F4** Words in s. 105(3)(b) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 46](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F5** Words in s. 105(3)(b) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (subject to arts. 6, 7)
- F6** Words in s. 105(3)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 4\(d\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))
- F7** Words in s. 105(3)(b) inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 89\(2\)](#), 93; S.I. 2003/3300, [art. 2\(f\)\(iv\)](#)
- F8** Words in s. 105(5) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 28\(4\)](#), s. 183(1)(5)(e)
- F9** Words in s. 105(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 54](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**Changes to legislation:**

Police Reform Act 2002, Section 105 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)