

2002 No. 2306 (C. 75)

POLICE

**The Police Reform Act 2002 (Commencement No. 1)
Order 2002**

Made - - - - - 5th September 2002

In exercise of the powers conferred upon him by section 108(2) of the Police Reform Act 2002(a), the Secretary of State hereby makes the following Order:

1.—(1) This Order may be cited as the Police Reform Act 2002 (Commencement No. 1) Order 2002.

(2) In this Order, “the 2002 Act” means the Police Reform Act 2002.

2. The following provisions of the 2002 Act shall come into force on 1st October 2002—

(a) Part 1 and Schedule 1 (powers of the Secretary of State);

(b) in Part 2 (complaints and misconduct)—

(i) section 9(2) to (4) (Independent Police Complaints Commission) for the purpose of making appointments, and section 9(6) in so far as necessary for the purposes of sub-paragraph (ii) below;

(ii) paragraph 5(5) of Schedule 2 (chief executive of IPCC);

(iii) section 13 (handling of complaints and conduct matters) in so far as necessary for the purposes of article 4(e) below;

(iv) section 14(2) and (3) (guidance);

(v) section 19 (order authorising use of investigatory powers);

(vi) section 23 (regulations) and section 24 (consultation on regulations) except paragraph (a);

(vii) section 25 (NCIS and NCS) except subsection (4); and

(viii) sections 28 (transitional arrangements) and 29 (interpretation of Part 2);

(c) in Part 3 (removal, suspension and disciplining of police officers)—

(i) section 34 (regulations concerning procedure for removal of senior officers);

(ii) section 35 (disciplinary regulations for special constables); and

(iii) section 36 (conduct of disciplinary proceedings);

(d) in Part 4 (police powers etc)—

(i) section 39(9), (10) and (11)(a), (b) and (d) (regulations concerning complaints against contracted-out staff);

(ii) section 43 (railway safety accreditation scheme);

(iii) section 47 (interpretation of Chapter 1);

(iv) sections 48 and 49 and Schedule 6 (powers of arrest);

(a) 2002 c. 30.

- (v) sections 56, 57(1) to (5) except for the words “or a registered health care professional” in subsection (3) and 58(4) to (8) (specimens taken from persons incapable of consenting);
- (vi) section 60 (regulations for retention of vehicles);
- (vii) sections 75 and 76 (British Transport Police); and
- (viii) section 77 (application of Police (Property) Act 1897 to NCS);
- (e) in Part 5 (Ministry of Defence Police), sections 78, 80 and 81;
- (f) in Part 6 (miscellaneous)—
 - (i) section 82(4) (regulations as to nationality);
 - (ii) section 83 (attestation);
 - (iii) section 85 (Director General of NCIS);
 - (iv) sections 88, 89, 90(3), (5) to (7), 91(3) and (5) to (7) (regulations for NCIS and NCS);
 - (v) in section 92(1) (three-year strategy plans), new section 6A(14) and (15) of the Police Act 1996^(a);
 - (vi) section 93 (quorum for NCIS and NCS Service Authorities);
 - (vii) section 94 (expenses of members of police authorities);
 - (viii) section 97(10), (11), (13) and (14) (crime and disorder reduction partnerships);
 - (ix) section 99 (power to modify functions and structure of PITO);
 - (x) section 101 (provision of goods and services by police authorities);
 - (xi) section 102(1) to (6) (liability for wrongful acts of constables);
 - (xii) section 103(1) to (3) and (5) to (7) (liability in respect of members of teams); and
 - (xiii) section 104(1) and (3) (assaults on members of teams);
- (g) in Part 7 (supplemental)—
 - (i) section 107 (consequential amendments and repeals) in so far as it relates to the entries in Schedules 7 and 8 in sub-paragraphs (ii) and (iii) below;
 - (ii) paragraphs 7(4), 11, 12, 14, 16, 17 and 21(1) and (2) of Schedule 7; and
 - (iii) in Schedule 8 (repeals), the entries relating to:
 - (a) the Road Traffic Act 1988;
 - (b) the Official Secrets Act 1989;
 - (c) section 62(1B) of the Police Act 1996;
 - (d) sections 6, 9A and 55A of the Police Act 1997;
 - (e) the Protection from Harassment Act 1997;
 - (f) sections 32 and 84 of the Crime and Disorder Act 1998;
 - (g) the Football (Offences and Disorder) Act 1999;
 - (h) the Countryside and Rights of Way Act 2000;
 - (i) the Criminal Justice and Court Services Act 2000;
 - (j) sections 12, 46 and 71 of the Criminal Justice and Police Act 2001; and
 - (k) the Anti-terrorism, Crime and Security Act 2001.

3. The following provisions of the 2002 Act shall come into force on 1st October 2002 in England only—

- (a) section 97(1), (3), (4), (7) and (9) (crime and disorder reduction partnerships); and
- (b) section 98 (Secretary of State’s role in relation to strategies).

4. The following provisions of the 2002 Act shall come into force on 1st October 2002 for the purpose of making regulations or orders—

- (a) section 17(1) and (5) (provision of information);
- (b) section 20(5) to (8) (duty to keep complainant informed);

(a) 1996 c. 16.

- (c) section 21(10) to (12) (duty to provide information for other persons);
- (d) sections 54(2) and (3), 55(3) and (4) and 58(3) and (10) (blood specimens); and
- (e) Schedule 3 (handling of complaints and conduct matters).

5. The following provisions of the 2002 Act shall come into force on 1st November 2002—

- (a) section 84 (delegation of functions in relation to senior appointments); and
- (b) section 92 (three-year strategy plans) to the extent not already in force.

Home Office
5th September 2002

John Denham
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Police Reform Act 2002 set out in article 2 on 1st October 2002 either generally or to the extent specified.

The provisions set out in article 3 are brought into force on that date in England only.

The provisions set out in article 4 are brought into force on that date for the purposes of making regulations and orders only.

The provisions set out in article 5 are brought into force on 1st November 2002.

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