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STATUTORY INSTRUMENTS

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**2002 No. 344 (C. 7)**

**CRIMINAL LAW  
POLICE**

**The Criminal Justice and Police Act 2001 (Commencement  
No. 4 and Transitional Provisions) Order 2002**

*Made - - - - 16th February 2002*

In exercise of the powers conferred upon him by sections 109, 116(7), 119(7) and 138(2) of the Criminal Justice and Police Act 2001<sup>(1)</sup>, the Secretary of State hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Police Act 2001 (Commencement No. 4 and Transitional Provisions) Order 2002.

(2) In this Order—

“the 1997 Act” means the Police Act 1997<sup>(2)</sup>;

“the 2001 Act” means the Criminal Justice and Police Act 2001.

**Commencement on 1st March 2002**

2. The following provisions of the 2001 Act shall come into force on 1st March 2002—

- (a) section 1 (offences leading to penalties on the spot), for the purpose of making orders;
- (b) section 3 (amount of penalty and form of penalty notice);
- (c) section 131 (monitoring of compliance with bail conditions); and
- (d) section 132 (monitoring of compliance with conditions of non-secure remand).

**Commencement on 1st April 2002**

3. The following provisions of the 2001 Act shall come into force on 1st April 2002—

- (a) sections 33 to 37 (travel restrictions on drug trafficking offenders) in so far as not already in force;
- (b) section 104 (vice chairmen) in so far as not already in force;

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(1) 2001 c. 16.  
(2) 1997 c. 50.

- (c) section 106 (removal of age qualification for membership) in so far as not already in force;
- (d) section 107(1)(c) and (4) (payment of allowances to NCIS and NCS Service Authority members);
- (e) section 108 (number and appointment of members of NCS and NCIS Service Authorities);
- (f) section 112 (duty of NCIS Service Authority to prepare accounts);
- (g) section 115 (duty of NCS Service Authority to prepare accounts);
- (h) sections 116(1) to (6), 117, 118, 119(1) to (6), 120 and 121 (appointment and removal of Directors General and members of NCIS and NCS);
- (i) section 126 (pensions for members of NCIS and NCS);
- (j) section 137 (repeals) in so far as it relates to the entries in Schedule 7 referred to in paragraphs (l) and (m) below;
- (k) Schedule 6, in so far as not already in force save for paragraph 4 of the new Schedule 2A to the 1997 Act inserted by paragraph 21 of Schedule 6;
- (l) in Schedule 7, Part 4, the entries relating to the 1997 Act; and
- (m) Schedule 7, Part 5, in so far as not already in force.

#### **Transitional provisions relating to NCIS and NCS**

4.—(1) The persons who are members of one or both of the Service Authorities for the National Criminal Intelligence Service and the National Crime Squad immediately before 1st April 2002 shall, unless reappointed with effect from that date, be treated as having resigned, in accordance with Schedule 2 to the 1997 Act(3), at that time.

(2) Any appointment of a person as the Director General of the National Criminal Intelligence Service pursuant to section 6 of the 1997 Act(4) or as Director General of the National Crime Squad pursuant to section 52 of that Act(5) which is in force immediately before 1st April 2002 shall continue to have effect as from that date.

Home Office  
16th February 2002

*John Denham*  
Minister of State

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(3) Relevant amendments to Schedule 2 were made by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747).

(4) Section 6 was amended by the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747); section 74(1) of the Police (Northern Ireland) Act 1998 (c. 32); and section 106 of the Access to Justice Act 1999 (c. 22).

(5) Section 52 was amended by section 74 of the Police (Northern Ireland) Act 1998 and section 106 of the Access to Justice Act 1999.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force to the extent specified the provisions of the Criminal Justice and Police Act 2001 specified in article 2 on 1st March 2002 and the provisions specified in article 3 on 1st April 2002. The Order also makes transitional provision relating to members of the Service Authorities of the National Criminal Intelligence Service and National Crime Squad and the Directors General of those bodies.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Criminal Justice and Police Act 2001 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 12 to 16	1st September 2001	<a href="#">2001/2223</a>
Sections 17 to 28	1st December 2001	<a href="#">2001/3736</a>
Section 29	1st September 2001	<a href="#">2001/2223</a>
Sections 30 to 32	1st December 2001	<a href="#">2001/3736</a>
Section 37 (in part)	19th June 2001	<a href="#">2001/2223</a>
Sections 39 to 41	1st August 2001	<a href="#">2001/2223</a>
Section 44	1st August 2001	<a href="#">2001/2223</a>
Section 45 (in part)	19th June 2001	<a href="#">2001/2223</a>
Sections 46 and 47	1st September 2001	<a href="#">2001/2223</a>
Sections 48 and 49	1st August 2001	<a href="#">2001/2223</a>
Sections 71 and 72	1st October 2001	<a href="#">2001/3150</a>
Section 75	1st August 2001	<a href="#">2001/2223</a>
Sections 76 and 77	19th June 2001	<a href="#">2001/2223</a>
Section 86	1st August 2001	<a href="#">2001/2223</a>
Section 97 (in part)	1st October 2001	<a href="#">2001/3150</a>
Section 100	1st October 2001	<a href="#">2001/3150</a>
Sections 104 to 106 (in part)	19th June 2001	<a href="#">2001/2223</a>
Section 107 (in part)	1st December 2001	<a href="#">2001/3736</a>
Sections 110 and 111	1st August 2001	<a href="#">2001/2223</a>
Sections 113 and 114	1st August 2001	<a href="#">2001/2223</a>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 122 to 125	1st January 2002	2001/3736
Section 128 (in part)	1st August 2001	2001/2223
Section 129	1st August 2001	2001/2223
Section 133	1st December 2001	2001/3736
Sections 134 to 136	19th June 2001	2001/2223
Section 137 (in part)	19th June 2001	2001/2223
(in part)	1st August 2001	2001/2223
(in part)	1st December 2001	2001/3736
(in part)	1st January 2002	2001/3736
Schedule 2, paragraph 26	1st October 2001	2001/3150
Schedule 6, paragraphs 3 and 12	1st August 2001	2001/2223
Schedule 7, Part 1		
Parts 2 and 4 (in part)	19th June 2001	2001/2223
Part 4 (in part)	1st December 2001	2001/3736
Part 4 (in part)	1st January 2002	2001/3736
Parts 5 and 6 (in part)	1st August 2001	2001/2223