

**2006 No. 3364 (C. 123)**

**POLICE, ENGLAND AND WALES**

**EXTRADITION**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Police and Justice Act 2006 (Commencement No. 1,  
Transitional and Saving Provisions) Order 2006**

*Made* - - - -

*14th December 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 49(3)(c) and 53(1) of the Police and Justice Act 2006(a).

**Citation and interpretation**

1.—(1) This Order may be cited as the Police and Justice Act 2006 (Commencement No. 1, Transitional and Saving Provisions) Order 2006.

(2) In this Order—

“the 1996 Act” means the Police Act 1996(b);

“the 1998 Act” means the Crime and Disorder Act 1998(c); and

“preliminary hearing” has the meaning given by new section 57A (live links introductory)(d) of the 1998 Act as substituted by article 3(g).

**Commencement**

2. The following provisions of the Police and Justice Act 2006 shall come into force on 15th January 2007—

- (a) section 2 (amendments to the 1996 Act) in so far as it relates to the entries in Schedule 2 (amendments to the 1996 Act) referred to in sub-paragraph (b);
- (b) paragraphs 1 to 6 and 8 of Schedule 2, subject to article 3;
- (c) section 11 (power to detain pending DPP’s decision about charging);
- (d) section 42 (amendments to the Extradition Act 2003 etc) in so far as it relates to the entries in Schedule 13 referred to in sub-paragraph (e);
- (e) Schedule 13 other than paragraphs 4, 5 and 6;

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(a) 2006 c.48.

(b) 1996 c.16.

(c) 1998 c.37.

(d) Section 45 of the Police and Justice Act 2006 (c.48) substitutes for section 57 of the 1998 Act (c.37) new sections 57A, 57B, 57C, 57D and 57E.

- (f) section 44 (transfer of prisoner under international arrangements not requiring his consent);
- (g) section 45 (attendance by accused at certain preliminary or sentencing hearings) other than to the extent it substitutes new section 57C (use of live link at preliminary hearings where accused is at police station) of the 1998 Act and subject to article 4;
- (h) section 47 (evidence of vulnerable accused);
- (i) section 48 (appeals under Part 1 of the Criminal Appeal Act 1968(a));
- (j) section 52 (amendments and repeals) in so far as it relates to the entries in Schedule 14 referred to in sub-paragraph (k) and the entry in Schedule 15 referred to in sub-paragraph (l);
- (k) paragraphs 3, 4 and 61 of Schedule 14 (minor and consequential amendments); and
- (l) In Part II of Schedule 15 (repeals and revocations) the entry relating to Schedules 3 (police authorities: selection of independent members) and 3A (police authorities: selection of lay justice members) of the 1996 Act, subject to article 3.

### **Transitional and saving provisions**

3.—(1) Notwithstanding the coming into force of paragraph 2 of Schedule 2 and the substitution of Schedule 2 to the 1996 Act made by that paragraph the current Schedule 2(b) (police authorities established under section 3) to the 1996 Act shall continue in force until 31st March 2008, save that paragraphs 1 to 8 (making of appointments) of that Schedule shall only apply to appointments that take effect before 1st April 2008.

(2) Notwithstanding the coming into force of paragraph 4 of Schedule 2 and the substitution of Schedule 2A to the 1996 Act made by that paragraph the current Schedule 2A(c) (the Metropolitan Police Authority) to the 1996 Act shall continue in force until 2nd July 2008, save that paragraphs 1 to 5 (appointments) of that Schedule shall only apply to appointments that take effect before 3rd July 2008.

(3) Notwithstanding the coming into force of the entry in Part II of Schedule 15 and the repeal of Schedules 3 and 3A of the 1996 Act made by that entry Schedules 3 and 3A shall continue in force until—

- (a) 31st March 2008 in respect of police areas for the time being listed in Schedule 1(d) (police areas) of the 1996 Act; and
- (b) 2nd July 2008 in respect of the police area constituted by the metropolitan police district.

4.—(1) Notwithstanding the substitution of section 57 (use of live television links at preliminary hearings) of the 1998 Act made by section 45 any direction given under that section prior to 15th January 2007 shall continue to have effect.

(2) Where a preliminary hearing in the magistrates' court or the Crown Court has commenced before 15th January 2007 the court may nevertheless give a direction under new section 57B (use of live link at preliminary hearings where accused is in custody) of the 1998 Act on or after that date.

(3) Where a direction given under section 57 of the 1998 Act continues to have effect by virtue of paragraph (1), new section 57D (continued use of live link for sentencing hearing following a

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(a) 1968 c.19.

(b) Schedule 2 to the 1996 Act has been amended by sections 325 and 423 of, and Schedules 27 and 34 to, the Greater London Authority Act 1999 (c.29), section 8 of, and Schedule 4 to, the Insolvency Act 2000 (c.39), sections 104, 105, 106 and 137 of, and Schedule 7 to, the Criminal Justice and Police Act 2001 (c.16), sections 94 and 107(2) of, and Schedule 8 to, the Police Reform Act 2002 (c.30) and section 109(1) of, and Schedule 8 to, the Courts Act 2003 (c.39) and by S.I. 2004/1941.

(c) Schedule 2A to the 1996 Act was inserted by section 310(2) of, and Schedule 26 to, the Greater London Authority Act 1999 and has been amended by section 8 of, and Schedule 4 to, the Insolvency Act 2000, sections 104, 105, 106 and 137 of, and Schedule 7 to, the Criminal Justice and Police Act 2001, sections 94 and 107(2) of, and Schedule 8 to, the Police Reform Act 2002 and section 109(1) of, and Schedule 8 to, the Courts Act 2003 and by S.I. 2004/1941.

(d) Schedule 1 has been amended by section 129(a) of the Police Act 1997 (c.50), S.I.1997/1377, 1997/1844, 1997/1845, 1997/1846, 1997/1849, 1997/1850, 1997/1855 and 1997/1857.

preliminary hearing) of the 1998 Act shall have effect as if subsection 1(a) included a reference to section 57.

Home Office  
14th December 2006

*Tony McNulty*  
Minister of State

## **EXPLANATORY NOTE**

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

This Order brings into force those provisions of the Police and Justice Act 2006 set out in Article 2 on 15<sup>th</sup> January 2007. Article 3 makes transitional and saving provisions that provide that the current Schedules 2, 2A, 3 and 3A of the Police Act 1996 that relate to police authorities shall continue in force until 31<sup>st</sup> March 2008 or 2<sup>nd</sup> July 2008 as provided for in that Article. Article 4 makes transitional provisions in relation to the commencement of section 45 of the Police and Justice Act 2006 which substitutes for section 57 of the Crime and Disorder Act 1998 new sections 57A, 57B, 57C, 57D and 57E relating to live links at certain preliminary and sentencing hearings.

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