STATUTORY INSTRUMENTS

2006 No. 378

The Serious Organised Crime and Police Act 2005 (Commencement No. 5 and Transitional and Transitory Provisions and Savings) Order 2006

4.—(1) Subject to paragraphs (2) to (7), the provisions of the Act which are specified in the Schedule to this Order shall come into force on 1st April 2006.

(2) Nothing in the coming into force of the repeals of—

(a) sections 37, 38, 39, 81, 82 and 83 of the Police Act 1997(**1**), or

(b) the provisions concerning NCIS or NCS in the Police Reform Act 2002(**2**),

by Schedules 2 and 17 to the Act shall affect what could otherwise be done under those provisions in respect of any act or omission that occurred, or is alleged to have occurred, before 1st April 2006; and, as respects what could otherwise be done under those provisions, any reference to NCIS or NCS is to have effect as a reference to SOCA (with such further amendment as may be necessary).

(3) An authorisation to interfere with property (etc.) under section 93 of the Police Act 1997(**3**) which—

(a) had been given by or on behalf of the Director General of NCIS or NCS, and

(b) would be in force on 1st April 2006 but for NCIS or, as the case may be, NCS ceasing to exist,

shall be treated as being given by the Director General of SOCA on the coming into force of paragraph 97 of Schedule 4 to the Act (except that the relevant area of an authorisation originally given by or on behalf of the Director General of NCS is England and Wales only).

(4) An interception warrant issued under Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000(**4**) which—

(a) was addressed to the Director General of NCIS (being a person falling within section 6(2) of that Act), and

(b) would be in force on 1st April 2006 but for NCIS ceasing to exist,

shall be treated as being addressed to the Director General of SOCA on the coming into force of paragraph 132 of Schedule 4 to the Act.

(5) An authorisation of intrusive surveillance under section 32 of the Regulation of Investigatory Powers Act 2000 which—

(a) was granted by the Director General of NCIS or NCS or other senior authorising officer by reference to NCIS or NCS, and

(b) would be in force on 1st April 2006 but for NCIS or, as the case may be, NCS ceasing to exist,

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(**1**) 1997 c. 50.
(**2**) 2002 c. 30.
(**3**) There are various amendments to section 93 which are not directly relevant to article 4(3) of this Order.
(**4**) 2000 c. 23.

shall be treated as granted by the Director General of SOCA or some other person who is a senior authorising officer by reference to SOCA on the coming into force of paragraph 136 of Schedule 4 to the Act (except that the area of operation of an authorisation originally granted by a person who is a senior authorising officer by reference to NCS is England and Wales only).

(6) An authorisation of intrusive surveillance under section 32 of the Regulation of Investigatory Powers Act 2000 which—

(a) was granted by a person entitled to act by virtue of section 34(4)(j) or (k) of that Act (as enacted), and

(b) would be in force on 1ˢᵗ April 2006 but for NCIS or, as the case may be, NCS ceasing to exist,

shall be treated as granted by a person entitled to act by virtue of section 34(4)(j), as substituted by paragraph 138(4) of Schedule 4 to the Act, on the coming into force of that provision (except that the area of operation of an authorisation originally granted by a person entitled to act by virtue of section 34(4)(k) is England and Wales only).

(7) Nothing in the coming into force of the repeals of sections 21A and 66A of the Police Act 1997(**5**) by Schedule 17 to the Act shall affect the duties relating to the statements of accounts in respect of the financial year ending on 31ˢᵗ March 2006, but those sections shall have effect so as to require the statements to be prepared by the Secretary of State and sent by him to the Comptroller and Auditor General.

(8) In this article—

"NCIS" means the National Criminal Intelligence Service, and

"NCS" means the National Crime Squad.

(**5**) Sections 21A and 66A were inserted by sections 112 and 115 of the Criminal Justice and Police Act 2001 (c. 15), respectively.