
STATUTORY INSTRUMENTS

2008 No. 1325 (C. 58)

DEFENCE

The Serious Organised Crime and Police Act
2005 (Commencement No. 13) Order 2008

Made - - - - *20th May 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 178(8) of the Serious Organised Crime and Police Act 2005⁽¹⁾:

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No.13) Order 2008.
2. Section 170 of the Serious Organised Crime and Police Act 2005 shall come into force on 1st June 2008.

20th May 2008

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 170 of the Serious Organised Crime and Police Act 2005. Section 170 makes amendments to section 25 of the Armed Forces Act 2001 (c. 19), which in turn inserted new sections into the Army Act 1955 (c. 18), the Air Force Act 1955 (c. 19) and the Naval Discipline Act 1957 (c. 53) ('the Service Discipline Acts'). The amended sections of the Service Discipline Acts now contain provisions equivalent to that provided for in the civilian courts by section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69), as amended by section 169 of the 2005 Act, and change the criteria that a judge advocate must be satisfied are met before issuing a warrant for the arrest of a witness in proceedings before a court-martial.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Serious Organised Crime and Police Act 2005 have been brought into force by commencement orders made before the date of this Order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Section 1(1) and (2)(partially) | 1st March 2006 | 2006/378 |
| Section 1(1) and (2)(to the extent not already in force) | 1st April 2006 | 2006/378 |
| Section 1(3) | 1st January 2006 | 2005/3495 |
| Sections 2 to 5 | 1st April 2006 | 2006/378 |
| Section 6 | 1st March 2006 | 2006/378 |
| Section 7 | 1st April 2006 | 2006/378 |
| Sections 8 to 10 | 1st January 2006 | 2005/3495 |
| Sections 11 to 16 | 1st April 2006 | 2006/378 |
| Sections 17 and 18 | 1st January 2006 | 2005/3495 |
| Sections 19 to 26 | 1st April 2006 | 2006/378 |
| Section 27 | 1st January 2006 | 2005/3495 |
| Sections 28 to 38 | 1st April 2006 | 2006/378 |
| Section 39 | 1st January 2006 | 2005/3495 |
| Sections 40 and 41 | 1st April 2006 | 2006/378 |
| Section 42 | 1st January 2006 | 2005/3495 |
| Sections 43 and 44(1) | 1st March 2006 | 2006/378 |
| Section 44(2) | 1st January 2006 | 2005/3495 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|------------------------------|
| Sections 45 to 51 | 1st April 2006 | 2006/378 |
| Section 52 | 1st January 2006 | 2005/3495 |
| Section 53 | 1st April 2006 | 2006/378 |
| Section 54 | 1st January 2006 | 2005/3495 |
| Section 55(1)(e) and(2) | 1st March 2006 | 2006/378 |
| Section 55(to the extent not already in force) | 1st April 2006 | 2006/378 |
| Sections 56 and 57 | 1st April 2006 | 2006/378 |
| Section 58 | 1st January 2006 | 2005/3495 |
| Section 59(partially) | 1st January 2006 | 2005/3495 |
| Section 59(to the extent not already in force) | 1st April 2006 | 2006/378 |
| Sections 60 to 70(as to England and Wales) | 1st April 2006 | 2005/1521 |
| Sections 71 to 75 | 1st April 2006 | 2006/378 |
| Section 76 | 1st April 2006 | 2006/378 |
| Section 78 | 1st April 2006 | 2006/378 |
| Sections 79 to 81(as to England and Wales and Northern Ireland) | 1st April 2006 | 2006/378 |
| Sections 82 to 94(as to England and Wales and Northern Ireland) | 1st April 2006 | 2005/1521 |
| Section 95 | 1st July 2005 | 2005/1521 |
| Section 96(Scotland) | 1st July 2005 | SSI 2005/358 |
| Section 96(England, Wales and Northern Ireland) | 1st July 2005 | 2005/1521 |
| Section 97 | 1st July 2005 | 2005/1521 |
| Section 98 | 1st January 2006 | 2005/3136 |
| Sections 99 to 101 | 1st July 2005 | 2005/1521 |
| Section 102 | 15th May 2006 | 2006/1085 |
| Sections 103 to 108 | 1st July 2005 | 2005/1521 |
| Section 109(partially) | 1st August 2005 | 2005/2026 |
| Section 109(to the extent not already in force) | 1st January 2006 | 2005/3136 |
| Sections 110 and 111 | 1st January 2006 | 2005/3495 |
| Section 112 | 1st July 2005 | 2005/1521 |
| Sections 113and114(1) to (8) | 1st January 2006 | 2005/3495 |
| Section 115 | 1st July 2005 | 2005/1521 |
| Section 116(1) to (3)and(5) | 1st August 2005 | 2005/2026 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|------------------------------|
| Section 116(to the extent not already in force) | 1st January 2006 | 2005/3495 |
| Section 118 | 1st January 2006 | 2005/3495 |
| Section 119 | 1st July 2005 | 2005/1521 |
| Section 122(1) to (6) | 1st August 2005 | 2005/2026 |
| Section 122(7)(partially) | 1st July 2005 | 2005/1521 |
| Section 122(7)(partially) | 1st January 2006 | 2005/3495 |
| Sections 123 to 131 | 1st July 2005 | 2005/1521 |
| Section 132(partially) | 1st July 2005 | 2005/1521 |
| Section 132(to the extent not already in force) | 1st August 2005 | 2005/1521 |
| Section 133(partially) | 1st July 2005 | 2005/1521 |
| Section 133(to the extent not already in force) | 1st August 2005 | 2005/1521 |
| Section 134(partially) | 1st July 2005 | 2005/1521 |
| Section 134(to the extent not already in force) | 1st August 2005 | 2005/1521 |
| Sections 135 to 137 | 1st August 2005 | 2005/1521 |
| Sections 138 to 143 | 1st July 2005 | 2005/1521 |
| Section 144(partially) | 20th July 2006 | 2006/1871 |
| Sections 145 to 155 | 1st July 2005 | 2005/1521 |
| Section 156 | 1st July 2005 | SSI 2005/358 |
| Section 157 | 1st April 2006 | 2005/1521 |
| Sections 159 and 160 | 1st July 2005 | 2005/1521 |
| Section 161(1) | 8th May 2006 | 2006/1085 |
| Section 161 (2) to (5)(partially) | 1st July 2005 | 2005/1521 |
| Section 161(2) to (4)(to the extent not already in force) | 1st August 2005 | 2005/2026 |
| Section 161(5)(to the extent not already in force) | 8th May 2006 | 2006/1085 |
| Section 162(partially) | 1st July 2005 | 2005/1521 |
| Section 163(1), (2) and (3)(partially) (as to England and Wales) | 6th April 2006 | 2006/378 |
| Section 163(2)(partially) (as to England and Wales) | 25th September 2006 | 2006/2182 |
| Section 163(2)(partially) (as to England and Wales) | 12th November 2007 | 2007/3064 |
| Section 163(2)(partially) (as to England and Wales) | 28th February 2008 | 2008/306 |
| Section 163(3)(as to Northern Ireland) | 3rd December 2007 | 2007/3341 |
| Section 164(as to Scotland) | 1st July 2005 | SSI 2005/358 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|------------------------------|
| Section 164(to the extent not already in force) | 1st July 2005 | 2005/1521 |
| Section 165(partially) (as to England, Wales and Northern Ireland) | 1st July 2005 | 2005/1521 |
| Section 165(to the extent not already in force) (as to England and Wales) | 6th April 2006 | 2006/378 |
| Section 165(2) and (3)(as to Northern Ireland) | 3rd December 2007 | 2007/3341 |
| Section 166(partially) (as to Scotland) | 1st July 2005 | SSI 2005/358 |
| Section 166(partially) (as to England, Wales and Northern Ireland) | 1st July 2005 | 2005/1521 |
| Section 166(2)(as to Northern Ireland) | 3rd December 2007 | 2007/3341 |
| Sections 168 and 169 | 1st July 2005 | 2005/1521 |
| Section 171(1)(partially) (as to Scotland) | 30th June 2006 | SSI 2006/381 |
| Section 171(1)(partially) (as to England and Wales) | 6th July 2006 | SSI 2006/381 |
| Section 171(2) | 6th July 2006 | SSI 2006/381 |
| Section 174(1) | 1st January 2006 | 2005/3495 |
| Section 174(2)(partially) | 1st July 2005 | 2005/1521 |
| Section 174(2)(partially) | 1st January 2006 | 2005/3495 |
| Section 174(2)(partially) | 1st April 2006 | 2006/378 |
| Section 174(2)(partially) (as to England and Wales) | 6th April 2006 | 2006/378 |
| Section 174(2)(partially) | 8th May 2006 | 2006/1085 |
| Section 175 | 1st July 2005 | 2005/1521 |
| Schedule 1(partially) | 1st March 2006 | 2006/378 |
| Schedule 1(to the extent not already in force) | 1st April 2006 | 2006/378 |
| Schedule 2(partially) | 1st March 2006 | 2006/378 |
| Schedule 2(to the extent not already in force) | 1st April 2006 | 2006/378 |
| Schedule 3 | 1st January 2006 | 2005/3495 |
| Schedule 4(partially) | 1st January 2006 | 2005/3495 |
| Schedule 4(partially) | 1st April 2006 | 2006/378 |
| Schedule 5(as to England, Wales and Northern Ireland) | 1st April 2006 | 2005/1521 |
| Schedule 6(partially) | 1st August 2005 | 2005/2026 |
| Schedule 6(to the extent not already in force) | 1st January 2006 | 2005/3136 |
| Schedule 7 | 1st January 2006 | 2005/3495 |
| Schedule 8(partially) | 1st July 2005 | 2005/1521 |
| Schedule 8(to the extent not already in force) | 1st January 2006 | 2005/3495 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|------------------------------|
| Schedule 9(partially) | 1st July 2005 | 2005/1521 |
| Schedule 10(partially) | 20th July 2006 | 2006/1871 |
| Schedules 11 and 12 | 1st July 2005 | 2005/1521 |
| Schedule 13(partially) | 1st July 2005 | 2005/1521 |
| Schedule 13(partially) | 8th May 2006 | 2006/1085 |
| Schedule 14(partially) (as to England and Wales) | 6th April 2006 | 2006/378 |
| Schedule 14(partially) (as to Northern Ireland) | 3rd December 2007 | 2007/3341 |
| Schedule 15(partially) (as to Scotland) | 30th June 2006 | SSI 2006/381 |
| Schedule 15(partially) (as to England and Wales) | 6th July 2006 | SSI 2006/381 |
| Schedule 16 | 1st January 2006 | 2005/3495 |
| Schedule 17(partially) | 1st July 2005 | 2005/1521 |
| Schedule 17(partially) | 1st January 2006 | 2005/3495 |
| Schedule 17(partially) | 1st April 2006 | 2006/378 |
| Schedule 17(partially) (as to England and Wales) | 6th April 2006 | 2006/378 |
| Schedule 17(partially) | 8th May 2006 | 2006/1085 |