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STATUTORY INSTRUMENTS

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**2009 No. 3096 (C.138)**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES  
CHILDREN AND YOUNG  
PERSONS, NORTHERN IRELAND  
CRIMINAL LAW  
EXTRADITION  
POLICE  
PROCEEDS OF CRIME  
PROTECTION OF VULNERABLE  
ADULTS, ENGLAND AND WALES  
PROTECTION OF VULNERABLE  
ADULTS, NORTHERN IRELAND**

The Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Saving Provisions) Order 2009

*Made - - - - 24th November 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 116(1) and (7) of the Policing and Crime Act 2009<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Saving Provisions) Order 2009.

(2) In this Order “the Act” means the Policing and Crime Act 2009.

### **Provisions coming into force on 30th November 2009**

2. The day appointed for the coming into force of the following provisions of the Act is 30th November 2009:

- (a) section 88 (provision of safeguarding information to the police);
- (b) section 91 (provision of safeguarding information to the police: Northern Ireland).

### **Provisions coming into force on 25th January 2010**

3. The day appointed for the coming into force of the following provisions of the Act is 25th January 2010:

- (a) section 6 (authorisations to interfere with property etc);
- (b) section 7 (authorisations for obtaining and disclosing communications data);
- (c) section 8 (authorisations of covert human intelligence sources: conditions);
- (d) section 9 (authorisations for surveillance etc);
- (e) section 26 (penalty for contravening notice related to encrypted information);
- (f) section 51 (recovery of expenses etc);
- (g) section 61 (payment of compensation);
- (h) section 62 (limitation);
- (i) section 64 (detention of seized cash);
- (j) section 67 (article 26 alerts);
- (k) section 68 (article 95 alerts);
- (l) section 69 (extradition to category 1 territory);
- (m) section 70 (extradition to category 2 territory);
- (n) section 71 (person charged with offence or serving sentence of imprisonment);
- (o) section 72 (return from category 1 territory);
- (p) section 73 (return from category 2 territory);
- (q) section 74 (return to extraditing territory etc);
- (r) section 75 (cases in which sentences treated as served);
- (s) section 76 (dealing with person for other offences);
- (t) section 77 (provisional arrest);
- (u) section 78 (use of live link in extradition proceedings);
- (v) section 112(1) (minor and consequential amendments and repeals and revocations) insofar as it relates to Part 2, paragraph 25 and Part 9 of Schedule 7;
- (w) section 112(2) (minor and consequential amendments and repeals and revocations) insofar as it relates to Part 6 of Schedule 8;
- (x) Part 2, paragraph 25 and Part 9 of Schedule 7 (minor and consequential amendments);
- (y) Part 6 of Schedule 8 (repeals and revocations).

### **Transitional and saving provisions**

4.—(1) The following provisions of the Act have effect only in relation to any extradition request received on or after 25th January 2010:

- (a) section 67 (article 26 alerts);

- (b) section 68 (article 95 alerts);
- (c) section 69 (extradition to category 1 territory);
- (d) section 70 (extradition to category 2 territory);
- (e) section 71 (person charged with offence or serving sentence of imprisonment).

(2) Section 76 of the Act (dealing with person for other offences) has effect only in relation to any person extradited to the United Kingdom on or after 25th January 2010.

(3) Section 77 of the Act (provisional arrest) has effect only in relation to a person arrested under section 5 of the Extradition Act 2003(2) on or after 25th January 2010.

(4) In Part 6 of Schedule 8 (repeals and revocations)—

- (a) the repeal of section 143 of the Extradition Act 2003 shall not apply where an undertaking has been given under section 143(2) of the Act;
- (b) the repeal of section 144 of the Extradition Act 2003 shall not apply to a person to whom subsection (1)(a) to (d) of that section applies on 25th January 2010;
- (c) the repeal of section 151 of the Extradition Act 2003 shall not apply to a person extradited to the United Kingdom before 25th January 2010.

Home Office  
24th November 2009

*David Hanson*  
Minister of State

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

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## EXPLANATORY NOTE

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

This is the first Commencement Order made under the Policing and Crime Act 2009 (“the Act”). Article 2 lists the provisions of the Act which will come into force on 30th November 2009. Article 3 lists the provisions of the Act which will come into force on 25th January 2010. Article 4 lists those provisions which only have effect in relation to extradition request received on or after 25th January 2010, the provision that only has effect for persons who are extradited to the United Kingdom on or after 25th January 2010 and the provision that only has effect in relation to a person arrested under section 5 of the Extradition Act 2003 on or after 25th January 2010. Article 4 also contains saving provisions in relation to repeals of sections of the Extradition Act 2003.