

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 9 - General

Section 112: Minor and consequential amendments and repeals and revocations

588. **Section 112** confers a power on the Secretary of State by order to make supplementary, incidental or consequential provision for the purposes of the Act. The power includes a power to amend or repeal any Act or subordinate legislation including the Act (subsection (5)). The power also includes power to make transitional, transitory or saving provision.
589. The affirmative resolution procedure will apply to any order which amends or repeals public general Acts save for those provisions inserted into a public general Act by a local Act or any other Act which is not a public general Act. Amongst other uses, it is intended that the Secretary of State will exercise this power in order to repeal paragraph 3A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as inserted in relation to certain London boroughs by section 12 of the Greater London Council (General Provisions) Act 1986, in its entirety. This is because the sex encounter establishment category which that paragraph creates will be replaced by the sexual entertainment venue category introduced by section 27 of this Act.
590. The section also introduces Schedule 7 (minor and consequential amendments) and Schedule 8 (repeals).

Section 113: Transitional, transitory and saving provision

591. **Section 113** contains a power for the Secretary of State to make transitional, transitory or saving provision in connection with the coming into force of any provision of the Act.

Section 114: Financial provisions

592. **Section 114** authorises, out of money provided by Parliament, any expenditure incurred by the Secretary of State under the Act. It also authorises any additional expenditure incurred under any other Acts, where that additional expenditure results from the Act.

Section 115: Extent

593. **Section 115** sets out the territorial extent of the Act's provisions.
594. The provisions relating to the prohibition of importation of offensive weapons (section 102) extend throughout the UK as will any other provisions not otherwise expressly dealt with by section 115.
595. The provisions relating to premise closure orders (section 21 and Schedule 2), orders imposed on sex offenders (sections 22 to 25), the offence of persistently possessing alcohol (section 30), the powers for the Secretary of State to prescribe the form, manner and contents of an application under Part V of the Police Act 1997 (section 97), and

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

the provisions to enforce the Police, Public Order and Criminal Justice (Scotland) Act 2006 (section 106) all extend to England and Wales and Northern Ireland.

596. The requirements to report to police stations (section 104(1) and (2)) extend to Scotland only so far as they relate to the Police, Public Order and Criminal Justice (Scotland) Act 2006. Section 105(2) also relates to Scotland only. The remainder of section 105 extends to Scotland and Northern Ireland.
597. The provisions relating to police pensions (section 10(2)), the regulation of lap dancing (section 27 and Schedule 3), injunctions on gang-related violence (Part 4), sections 93 to 95 (criminal records) and section 104(1) and (2), so far as relating to the Football Spectators Act 1989, extend to England and Wales only.
598. All other amendments, repeals or revocations made by the Act have the same extent as the provisions amended, repealed or revoked, unless otherwise specified in Schedule 7 or 8.

Section 116: Commencement

599. **Section 116** of the Act provides for commencement. The renaming of the Independent Barring Board (section 81) and the power for Revenue and Customs officers to intercept postal items (section 100) will come into force on Royal Assent. Additionally sections 111 (along with Part 12 of Schedule 8 and section 112(2) so far as relating to that Part), 112(3) to (9) and sections 113 to 117 will come into force on Royal Assent.
600. **Sections 98, 99** and Part 9 of Schedule 8 (and related sections of section 112(2)) and section 101 (provisions relating to border controls) will be brought into force by means of commencement orders made by the Treasury. Regulation of lap dancing and sexual entertainment venues (section 27 and Schedule 3) and the relevant paragraph in Schedule 7, insofar as they relate to England will be brought into force by means of a commencement order made by the Secretary of State, and insofar as they relate to Wales by means of a commencement order made by Welsh Ministers. Subsection (2) of section 116 provides that the Secretary of State must obtain the consent of Scottish Ministers before commencing section 104 and section 105 by order.
601. **Part 13** of Schedule 7 and Part 13 of Schedule 8 will be commenced at the end of two months after the date of Royal Assent. They repeal redundant provisions.
602. All the remaining provisions in the Act will be brought into force by means of commencement orders made by the Secretary of State.

Section 117: Short Title

603. This Act may be cited as the Policing and Crime Act 2009.