
STATUTORY INSTRUMENTS

1985 No. 1934 (c. 48)

POLICE

**The Police and Criminal Evidence Act
1984 (Commencement No. 3) Order 1985**

Made - - - - 10th December 1985

In exercise of the powers conferred on me by section 121 of the Police and Criminal Evidence Act 1984, I hereby make the following Order:—

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Commencement No. 3) Order 1985.

2. Subject to Article 3 below, the provisions of the Police and Criminal Evidence Act 1984 (hereinafter called “the Act”) specified in the Schedule to this Order shall come into force on 1st January 1986 (hereinafter called “the commencement date”).

3. The following transitional provisions shall have effect:—

(a) Any warrant issued, arrest made or other thing or procedure done or instituted before the commencement date under an enactment or power which, by virtue of Article 2 above, is repealed or abolished as from that date, shall continue to have effect and may be continued or enforced, as if the said enactment or power had not been so repealed or abolished.

(b) Part IV of the Act (detention) shall apply only where the period of detention commenced on or after the commencement date and, in relation to any person detained by the police on or after that date whose detention commenced before that date, the enactments and rules of law replaced by the said Part IV shall continue to have effect;

(c) the following provisions of the Act, namely—

Part VII (documentary evidence in criminal proceedings);

Part VIII (evidence in criminal proceedings—general);

Schedule 3 (provisions supplementary to sections 68 and 69);

Paragraph 41 of Schedule 6 (so far as it amends paragraph 7 of Schedule 7 to the Value Added Tax Act 1983); and

Parts II to V of Schedule 7 (repeals consequential on Parts VII and VIII of the Act,

shall not apply—

(i) to a trial; or

(ii) to proceedings before a magistrates' court acting as examining justices,

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which began before the commencement date.

10th December 1985

Douglas Hurd
One of Her Majesty's Principal Secretaries of
State
Home Office

SCHEDULE

PROVISIONS OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 COMING INTO FORCE ON 1ST JANUARY 1986

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Part I so far as not already in force.	Powers to stop and search.
Part II so far as not already in force.	Powers of entry, search and seizure.
Part III.	Arrest.
Part IV (except section 37(11) to (14)).	Detention.
Part V (except section 60(1)(b) and (2)) so far as not already in force.	Questioning and treatment of persons by police.
Part VII.	Documentary evidence in criminal proceedings.
Part VIII.	Evidence in criminal proceedings—general.
Section 107.	Police officers performing duties of higher rank.
Part XI so far as not already in force.	Miscellaneous and supplementary.
Schedule 1.	Special procedure.
Schedule 2.	Preserved powers of arrest.
Schedule 3.	Provisions supplementary to sections 68 and 69.
Schedule 6 so far as not already in force.	Minor and consequential amendments.
Schedule 7 so far as not already in force.	Repeals.

EXPLANATORY NOTE

This Order brings into force on 1st January 1986 (“the commencement date”), with the exceptions mentioned in the Schedule, those provisions of the Police and Criminal Evidence Act 1984 which are not already in force.

Article 3 makes transitional provision. Paragraph (a) provides for the continuing validity of warrants, arrests and other procedures where the enabling power (common law or statutory) is repealed as from the commencement date. Paragraph (b) disapplies the provisions of Part IV of the 1984 Act regulating the time a person may be kept in detention by the police where his detention began before that date. Paragraph (c) prevent the new provisions for the law of evidence in criminal proceedings in Parts VII and VIII of the 1984 Act from applying to trials and committal proceedings which had begun before the commencement date.

The following provisions of the Act have been brought into operation by commencement order made before the date of this Order:—

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
s. 1 (partially)	1.1.85	1984/2002
ss. 7(2)(b) and (3), 23, 59, 66, 67, 106, 109(c), 112, 113(3) to (13), 115 and 118	"	"
ss. 108, 110 and 111	1.3.85	"
s. 119 and schs. 6 (partially) and 7 (partially)	"	"
Part IX	29.4.85	1985/623
ss. 109(a) and (b), 116, 119 (partially), schs. 4, 5, 6 (partially) and 7 (partially)	"	"