

2017 No. 1249 (C. 118)

POLICE, ENGLAND AND WALES

**The Policing and Crime Act 2017 (Commencement No. 6 and
Transitional Provisions) Regulations 2017**

Made - - - - *12th December 2017*

The Secretary of State, in exercise of the powers conferred by section 183(1) and (9) of the Policing and Crime Act 2017^(a), makes the following Regulations.

Citation and interpretation

1.—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 6 and Transitional Provisions) Regulations 2017.

(2) In these Regulations—

“2017 Act” means the Policing and Crime Act 2017;

“commencement date” means 8th January 2018.

Commencement of provisions in the 2017 Act

2.—(1) The provisions of the 2017 Act to which paragraph (2) applies, to the extent not already in force, come into force on the commencement date.

(2) The provisions of the 2017 Act to which this paragraph applies are—

- (a) section 33;
- (b) section 34 with the exception of subsection (3);
- (c) section 35; and
- (d) Schedule 9.

Transitional provisions

3.—(1) Anything done (or having effect as if done) before the commencement date by or in relation to a transferor in connection with a function transferred to the Director General by a relevant provision of the 2017 Act is to have effect, so far as necessary for continuing its effect on and after the commencement date, as if done by or in relation to the Director General.

(2) Anything which, immediately before the commencement date, is in the process of being done by or in relation to a transferor in connection with a function transferred to the Director General by a relevant provision of the 2017 Act, may be continued by or in relation to the Director General.

(3) Anything which immediately before the commencement date, is in the process of being done by or in relation to the Commission in connection with a function which, by virtue of a relevant

(a) 2017 c. 3.

provision of the 2017 Act, is exercisable on or after the commencement date by that body (as renamed the Independent Office for Police Conduct^(a)) and the Director General jointly may be continued by or in relation to that body and the Director General acting jointly.

(4) Any person who, before the commencement date, has been designated by the Commission under paragraph 19(2)^(b) of Schedule 3 to the 2002 Act (“the relevant provision”) in respect of an investigation is, if the investigation is not completed or discontinued before that date, to be treated on and after that date as having been designated by the Director General under the relevant provision (as amended by paragraph 56 of Schedule 9 to the 2017 Act) whether or not the person satisfies the conditions for designation under the relevant provision (as amended).

(5) Paragraph (4) does not prevent the Director General from making a further designation in respect of an investigation under paragraph 19(2) of Schedule 3 to the 2002 Act after the commencement date.

(6) Anything—

- (a) done (or having effect as if done) before the commencement date by or in relation to the Commission in connection with a historic case; but
- (b) which does not fall within paragraph (1),

is, to have effect, so far as necessary for continuing its effect after the commencement date as if done by or in relation to the Director General.

(7) Anything which—

- (a) immediately before the commencement date, is in the process of being done by or in relation to the Commission in connection with a historic case; but
- (b) does not fall within paragraph (2),

may be continued by or in relation to the Director General.

(8) Any enactment, instrument or other document passed or made before the commencement date is to have effect on and after that date, so far as necessary for the purposes of or in consequence of paragraphs (1) to (7), as if any references (however expressed) to a transferor were references to the Director General.

(9) In this regulation—

“2002 Act” means the Police Reform Act 2002^(c);

“Commission” means the Independent Police Complaints Commission;

“Director General” means the Director General of the Independent Office for Police Conduct;

“historic case” means a matter to which Article 6 of the Police Reform and Social Responsibility Act 2011 (Commencement No. 7 and Transitional Provisions and Commencement No. 3 and Transitional Provisions (Amendment)) Order^(d) applies (complaint etc. which came to the attention of an appropriate authority before 22nd November 2012).

“relevant provision of the 2017 Act” means a provision of the 2017 Act which is commenced (to any extent) by these Regulations;

“transferor” means—

- (a) the Commission;
- (b) any other person from whom a function is transferred to the Director General by a relevant provision of the 2017 Act.

Home Office
12th December 2017

Nick Hurd
Minister of State

(a) The Independent Police Complaints Commission is renamed the Independent Office for Police Conduct by section 9(1) of the 2002 Act. Section 9 is inserted by section 33 of the 2017 Act.
(b) There have been amendments to paragraph 19 which are not relevant.
(c) 2002 c. 30.
(d) S.I. 2012/2892

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Policing and Crime Act 2017 (“the Act”), and make transitional provision. They are the sixth commencement regulations under the Act. Other provisions of the Act were brought into force on Royal Assent by section 183(5) of the Act or commenced on 31st March 2017 by virtue of section 183(6) of the Act.

Regulation 2 sets out the provisions of the Act which will come into force on 8th January 2018.

Regulation 3 makes transitional provision.

Regulation 3(1) and (2) provide that actions by, and in relation to, the Commission, or any other person, carried out before, or ongoing at the time of, the commencement of the relevant provisions of the Act which following commencement will be carried out by, or in relation to the Director General of the Independent Office for Police Conduct are treated as having been carried out by, or in relation to, the Director General.

Regulation 3(3) provides that where, at the time of commencement anything is in the process of being done by, or in relation to, the Commission which, as a result of the commencement of relevant provisions of the Act will be done by the Office and the Director General jointly, it can continue to be done by, or in relation to, the Office and Director General.

Regulation 3(4) provides that where a person is designated to carry out an investigation under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002 before commencement, that person is to be treated as having been designated by the Director General under that provision as it reads after commencement.

Regulation 3(6) and (7) make similar provision as that made in regulation 3(1) and (2) for certain complaints, conduct matters and other matters which came to the attention of an appropriate authority before 22nd November 2012.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Policing and Crime Act 2017 have been brought into force on the date specified by commencement regulations made before these Regulations.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-------------------------------|
| Sections 1 to 5 | 3rd April 2017 | 2017/399 |
| Section 6 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Section 7 | 3rd April 2017 | 2017/399 |
| Section 8 (in so far as it was not already in force) | 17th July 2017 | 2017/726 |
| Section 11(1) to (7) (in so far as it was not already in force) | 17th July 2017 | 2017/726 |
| Section 12 | 17th July 2017 | 2017/726 |
| Section 29(1) to (7) (in so far as it was not already in force) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 29(8) (partially) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 30 (in so far as it was not already in force) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 32 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |

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| Section 33 (partially) | 3rd April 2017 | 2017/399 |
| Section 33(9) (partially) | 17th July 2017 | 2017/726 |
| Sections 36 and 37 | 2nd May 2017 | 2017/399 |
| Section 38 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 39 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 40 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 41 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 42 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 43 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 44 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 45 (partially) | 3rd April 2017 | 2017/399 |
| Section 45 (in so far as it was not already in force) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Section 46 | 1st December 2018 | 2017/1139 |
| Section 49 | 3rd April 2017 | 2017/399 |
| Section 50 | 3rd April 2017 | 2017/399 |
| Section 51 (partially) | 3rd April 2017 | 2017/399 |
| Sections 52 to 62 | 3rd April 2017 | 2017/399 |
| Section 63 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Section 64 to 75 | 3rd April 2017 | 2017/399 |
| Sections 77 to 79 | 3rd April 2017 | 2017/399 |
| Sections 80 and 81 (in so far as they were not already in force) | 11th December 2017 | 2017/1017 |
| Section 82 and 83 | 11th December 2017 | 2017/1017 |
| Sections 120 to 122 | 3rd April 2017 | 2017/399 |
| Section 124 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Section 125 (in so far as it was not already in force) | 2nd May 2017 | 2017/399 |
| Sections 127 to 130 | 2nd May 2017 | 2017/399 |
| Section 133 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Section 134 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Sections 135 to 140 | 6th April 2017 | 2017/399 |
| Sections 143 to 156 (in so far as they were not already in force) | 1st April 2017 | 2017/482 |
| Section 162 | 13th November 2017 | 2017/1017 |
| Section 163 | 3rd April 2017 | 2017/399 |
| Section 175 | 3rd April 2017 | 2017/399 |
| Section 177 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Section 178 | 3rd April 2017 | 2017/399 |

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| Schedule 1 (in so far as it was not already in force) | 3rd April 2017 | 2017/399 |
| Schedule 3 | 17th July 2017 | 2017/726 |
| Schedule 7 (partially) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Schedule 8 (in so far as it was not already in force) | 15th December 2017 | 2017/1139 and 2017/1162 |
| Schedule 9 (partially) | 3rd April 2017 | 2017/399 |
| Schedule 9 (partially) | 17th July 2017 | 2017/726 |
| Schedule 10 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Schedule 11 | 15th December 2017 | 2017/1139 and 2017/1162 |
| Schedule 12 (partially) | 3rd April 2017 | 2017/399 |
| Schedule 12 (in so far as it was not already in force) | 15th December 2017 | 2017/1139 |
| Schedule 13 | 1st December 2018 | 2017/1139 |
| Schedule 14 (partially) | 3rd April 2017 | 2017/399 |

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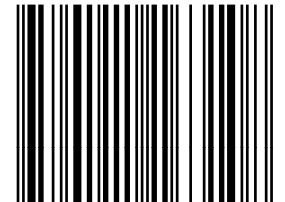
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