



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 6

FINAL PROVISIONS

173 Supplementary, incidental, consequential etc. provision

- (1) The Secretary of State may by order make—
 - (a) such supplementary, incidental or consequential provision, or
 - (b) such transitory, transitional or saving provision,as he considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.
- (2) An order under subsection (1) may amend, repeal, revoke or otherwise modify any enactment (including this Act).
- (3) The power to make an order under subsection (1) includes power to repeal or revoke an enactment which is spent.
- (4) Before exercising the power conferred by subsection (1) in relation to an enactment which extends to Scotland, the Secretary of State must consult the Scottish Ministers.
- (5) The power conferred by subsection (1) is exercisable by the Scottish Ministers (rather than by the Secretary of State) where the provision to be made is—
 - (a) for the general purposes of this Act and would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament; or
 - (b) for the purposes of, in consequence of, or for giving full effect to—
 - (i) section 77, 156, 171 or Schedule 15,
 - (ii) so far as extending to Scotland, any provision mentioned in section 178(4),

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 173 is up to date with all changes known to be in force on or before 12 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (iii) so far as relating as mentioned in section 178(5), section 174(2) and Schedule 17,
 - (iv) so far as having effect as mentioned in section 178(6)(a), section 96.
- (6) But an order under—
- (a) paragraph (b)(i) of subsection (5) in relation to section 171 or Schedule 15, or
 - (b) paragraph (b)(iv) of that subsection,
- may be made only after consulting the Secretary of State.
- [^{F1}(6A) Before exercising the power conferred by subsection (1) in relation to an enactment which extends to Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.
- (6B) The power conferred by subsection (1) is exercisable by the Department of Justice (rather than by the Secretary of State) where the provision to be made is for the general purposes of this Act and would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of the Assembly.
- (6C) The power conferred by subsection (1) is also exercisable by the Department of Justice (rather than by the Secretary of State) where the provision to be made—
- (a) is for the purposes of, in consequence of, or for giving full effect to—
 - (i) section 78, or
 - (ii) so far as extending to Northern Ireland, any provision mentioned in section 178(7A), and
 - (b) would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of the Assembly.
- (6D) The Department of Justice shall not, without the consent of the Secretary of State, make an order by virtue of subsection (6B) or (6C) in relation to which, were the order a Bill of the Northern Ireland Assembly, the Secretary of State's consent would be required under section 8 of the Northern Ireland Act 1998.]
- (7) Nothing in this Act affects the generality of the power conferred by this section.

Textual Amendments

- F1** S. 173(6A)-(6D) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 25** (with arts. 28-31)

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871