

**2005 No. 3495 (C. 146)**

**POLICE, ENGLAND AND WALES**

**SERIOUS ORGANISED CRIME AGENCY**

**The Serious Organised Crime and Police Act 2005  
(Commencement No. 4 and Transitory Provision) Order 2005**

*Made* - - - -

*18th December 2005*

The Secretary of State makes the following Order in exercise of the powers conferred by section 178(8) and (10) of the Serious Organised Crime and Police Act 2005(a):

**1.**—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No. 4 and Transitory Provision) Order 2005.

(2) In this Order “the 2005 Act” means the Serious Organised Crime and Police Act 2005.

**2.**—(1) Subject to paragraph (2), the following provisions of the 2005 Act shall come into force on 1<sup>st</sup> January 2006—

- (a) section 1(3) (power in relation to NCS and NCIS);
- (b) sections 8 to 10 (general duty; priorities; codes of practice);
- (c) sections 17 and 18 (grants);
- (d) section 27 (regulations);
- (e) section 39 (directions about prosecutions);
- (f) section 42 (interpretation of Chapter 1);
- (g) section 44(2) (designations);
- (h) section 52 (modification of enactments);
- (i) section 54 (interpretation of Chapter 2);
- (j) section 58 and Schedule 3 (transfers to SOCA);
- (k) section 59 (minor and consequential amendments relating to SOCA) in so far as it relates to the entry in Schedule 4 in paragraph (l) below;
- (l) paragraph 42 of Schedule 4 (amendment of s87 of the Road Traffic Regulation Act 1984);
- (m) sections 110 and 111 (powers of arrest) and Schedule 7 (powers of arrest: supplementary);
- (n) sections 113 and 114(1) to (8) (search warrants);
- (o) section 116 (photographing of suspects etc.) to the extent not already in force;

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(a) 2005 c. 15.

- (p) section 118 (impressions of footwear);
- (q) section 122(7) (powers of designated and accredited persons) in so far as it relates to the entry for Schedule 8 in paragraph (r) below;
- (r) Schedule 8 (powers of designated and accredited persons) to the extent not already in force;
- (s) section 174(1) (minor and consequential amendments, repeals and revocations) and Schedule 16 (remaining minor and consequential amendments (search warrants));
- (t) section 174(2) (minor and consequential amendments, repeals and revocations) in so far as it relates to the entries in Schedule 17 in paragraph (u) below; and
- (u) in Part 2 of Schedule 17 (repeals and revocations), the entries relating to—
  - (i) the Unlawful Drilling Act 1819(a);
  - (ii) the Vagrancy Act 1824(b);
  - (iii) the Railway Regulation Act 1842(c);
  - (iv) the Companies Clauses Consolidation Act 1845(d);
  - (v) the Railway Clauses Consolidation Act 1845(e);
  - (vi) the Licensing Act 1872(f);
  - (vii) the Public Stores Act 1875(g);
  - (viii) the London County Council (General Powers) Act 1894(h);
  - (ix) the London County Council (General Powers) Act 1900(i);
  - (x) the Licensing Act 1902(j);
  - (xi) the Protection of Animals Act 1911(k);
  - (xii) the Official Secrets Act 1911(l);
  - (xiii) the Public Order Act 1936(m);
  - (xiv) the Street Offences Act 1959(n);
  - (xv) the Criminal Justice Act 1967(o);
  - (xvi) the Ministry of Housing and Local Government Provisional Order (Greater London Parks and Open Spaces) Act 1967(p);
  - (xvii) the Theft Act 1968(q);
  - (xviii) the Port of London Act 1968(r);
  - (xix) the Criminal Law Act 1977(s);
  - (xx) the Theft Act 1978(t);

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- (a) 60 Geo. 3 & 1 Geo. 4 c. 1.
  - (b) 1824 c. 83.
  - (c) 1842 c. 55.
  - (d) 1845 c. 16.
  - (e) 1845 c. 20.
  - (f) 1872 c. 94.
  - (g) 1875 c. 25.
  - (h) c. ccxii.
  - (i) c. cclxviii.
  - (j) 1902 c. 28.
  - (k) 1911 c. 27.
  - (l) 1911 c. 28.
  - (m) 1 Edw. 8 & 1 Geo. 6 c. 6.
  - (n) 1959 c. 57.
  - (o) 1967 c. 80.
  - (p) c. xxix.
  - (q) 1968 c. 60.
  - (r) c. xxxii.
  - (s) 1977 c. 45.
  - (t) 1978 c. 31.

- (xxi) the Animal Health Act 1981**(a)**;
  - (xxii) the Local Government (Miscellaneous Provisions) Act 1982**(b)**;
  - (xxiii) the Aviation Security Act 1982**(c)**;
  - (xxiv) sections 15, 25, 66, 116, 118 of, and Schedules 1, 1A, 2, 5 and 6 to, the Police and Criminal Evidence Act 1984**(d)**;
  - (xxv) the Sporting Events (Control of Alcohol etc.) Act 1985**(e)**;
  - (xxvi) the Public Order Act 1986**(f)**;
  - (xxvii) Schedule 15 of the Criminal Justice Act 1988**(g)**;
  - (xxviii) sections 4 and 163 of the Road Traffic Act 1988**(h)**
  - (xxix) the Road Traffic (Consequential Provisions) Act 1988**(i)**;
  - (xxx) the Football Spectators Act 1989**(j)**;
  - (xxxi) Schedule 3 of the Aviation and Maritime Security Act 1990**(k)**;
  - (xxxii) the Football (Offences) Act 1991**(l)**
  - (xxxiii) the Road Traffic Act 1991**(m)**;
  - (xxxiv) the Transport and Works Act 1992**(n)**;
  - (xxxv) the Trade Union and Labour Relations (Consolidation) Act 1992**(o)**;
  - (xxxvi) the Criminal Justice and Public Order Act 1994**(p)**;
  - (xxxvii) paragraph 9 of Schedule 1 to the Drug Trafficking Act 1994**(q)**;
  - (xxxviii) the Reserve Forces Act 1996**(r)**;
  - (xxxix) the Offensive Weapons Act 1996**(s)**;
    - (xl) the Public Order (Amendment) Act 1996**(t)**;
    - (xli) the Confiscation of Alcohol (Young Persons) Act 1997**(u)**;
    - (xlii) sections 27 and 31 of the Crime and Disorder Act 1998**(v)**;
    - (xliii) the Terrorism Act 2000**(w)**;
    - (xliv) Schedule 2 to the Football (Disorder) Act 2000**(x)**;
    - (xlv) the Criminal Justice and Court Services Act 2000**(y)**;
    - (xlvi) sections 42 and 47 of the Criminal Justice and Police Act 2001**(z)**;
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- (a) 1981 c. 22.
- (b) 1982 c. 30.
- (c) 1982 c. 36.
- (d) 1984 c. 60.
- (e) 1985 c. 57.
- (f) 1984 c. 64.
- (g) 1988 c. 33.
- (h) 1988 c. 52.
- (i) 1988 c. 54.
- (j) 1989 c. 37.
- (k) 1990 c. 31.
- (l) 1991 c. 19.
- (m) 1991 c. 40.
- (n) 1992 c. 42.
- (o) 1992 c. 52.
- (p) 1994 c. 33.
- (q) 1994 c. 37.
- (r) 1996 c. 14.
- (s) 1996 c. 26.
- (t) 1996 c. 59.
- (u) 1997 c. 33.
- (v) 1998 c. 37.
- (w) 2000 c. 11.
- (x) 2000 c. 25.
- (y) 2000 c. 43.
- (z) 2001 c. 16.

- (xlvii) the Anti-terrorism, Crime and Security Act 2001**(a)**;
- (xlviii) paragraph 14 of Schedule 11 to the Proceeds of Crime Act 2002**(b)**;
- (xlix) sections 48 and 49 of, and Schedule 6 to, the Police Reform Act 2002**(c)**;
  - (l) paragraph 93 of Schedule 6 to the Licensing Act 2003**(d)**
  - (li) the Aviation (Offences) Act 2003**(e)**;
  - (lii) the Communications Act 2003**(f)**;
  - (liii) section 17 of the Crime (International Co-operation) Act 2003**(g)**;
  - (liv) sections 4, 32 and 37 of the Anti-social Behaviour Act 2003**(h)**;
  - (lv) the Courts Act 2003**(i)**;
  - (lvi) the Sexual Offences Act 2003**(j)**;
  - (lvii) section 3 of the Criminal Justice Act 2003**(k)**;
  - (lviii) the Domestic Violence, Crime and Victims Act 2004**(l)**;
  - (lix) the Hunting Act 2004**(m)**;
  - (lx) the Prevention of Terrorism Act 2005**(n)**; and
  - (lxi) the Serious Organised Crime and Police Act 2005.

(2) Section 9(2)(a) of the 2005 Act does not apply during the period from 1<sup>st</sup> January 2006 to 31<sup>st</sup> March 2006.

Home Office  
18th December 2005

*Hazel Blears*  
Minister of State

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- (a) 2001 c. 24.
  - (b) 2002 c. 29.
  - (c) 2002 c. 30.
  - (d) 2003 c. 17.
  - (e) 2003 c. 19.
  - (f) 2003 c. 21.
  - (g) 2003 c. 32.
  - (h) 2003 c. 38.
  - (i) 2003 c. 39.
  - (j) 2003 c. 42.
  - (k) 2003 c. 44.
  - (l) 2004 c. 28.
  - (m) 2004 c. 37.
  - (n) 2005 c. 2.

## EXPLANATORY NOTE

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

This Order brings into force on 1<sup>st</sup> January 2006 the provisions of the Serious Organised Crime and Police Act 2005 specified in article 2.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Serious Organised Crime and Police Act 2005 have been, or are to be, brought into force by commencement orders made before the date of this Order.

| <i>Provision</i>  | <i>Date of Commencement</i>  | <i>S.I. No.</i> |
|---|------------------------------|-----------------|
| Sections 60 to 67 (as to England and Wales)                   | 1 <sup>st</sup> April 2006   | 2005/1521       |
| Section 68 (as to England, Wales and Northern Ireland)        | 1 <sup>st</sup> April 2006   | 2005/1521       |
| Section 69  | 1 <sup>st</sup> April 2006   | 2005/1521       |
| Section 70 (as to England and Wales)                          | 1 <sup>st</sup> April 2006   | 2005/1521       |
| Sections 82 to 94 (as to England, Wales and Northern Ireland) | 1 <sup>st</sup> April 2006   | 2005/1521       |
| Section 95  | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 96 (as to Scotland)                                   | 1 <sup>st</sup> July 2005    | SSI 2005/358    |
| Section 96 (as to England, Wales and Northern Ireland)        | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 97  | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 98  | 1 <sup>st</sup> January 2006 | 2005/3136       |
| Section 99 to 101   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Sections 103 to 108   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 109 (partially)                                       | 1 <sup>st</sup> August 2005  | 2005/2026       |
| Section 109 (to the extent not already in force)              | 1 <sup>st</sup> January 2006 | 2005/3136       |
| Section 112   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 115   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 116 (partially)                                       | 1 <sup>st</sup> August 2005  | 2005/2026       |
| Section 119   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 122 (partially)                                       | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 122 (partially)                                       | 1 <sup>st</sup> August 2005  | 2005/2026       |
| Sections 123 to 131   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 132 (partially)                                       | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 132 (to the extent not already in force)              | 1 <sup>st</sup> August 2005  | 2005/1521       |
| Section 133 (partially)                                       | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 133 (to the extent not already in force)              | 1 <sup>st</sup> August 2005  | 2005/1521       |
| Section 134 (partially)                                       | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 134 (to the extent not already in force)              | 1 <sup>st</sup> August 2005  | 2005/1521       |
| Section 135 to 137  | 1 <sup>st</sup> August 2005  | 2005/1521       |
| Section 138 to 143  | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Sections 145 to 155   | 1 <sup>st</sup> July 2005    | 2005/1521       |
| Section 156   | 1 <sup>st</sup> July 2005    | SSI 2005/358    |
| Section 157   | 1 <sup>st</sup> April 2006   | 2005/1521       |

|   |                              |              |
|---|------------------------------|--------------|
| Sections 159 and 160  | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 161 (partially)   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 161 (partially)   | 1 <sup>st</sup> August 2005  | 2005/2026    |
| Section 162 (partially)   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 164 (as to Scotland)  | 1 <sup>st</sup> July 2005    | SSI 2005/358 |
| Section 164 (to the extent not already in force)                    | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 165 (partially) (as to England, Wales and Northern Ireland) | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 166 (partially) (as to Scotland)                            | 1 <sup>st</sup> July 2005    | SSI 2005/358 |
| Section 166 (partially) (as to England, Wales and Northern Ireland) | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Sections 168 and 169  | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 174 (partially)   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Section 175   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Schedule 5 (as to England and Wales and Northern Ireland)           | 1 <sup>st</sup> April 2006   | 2005/1521    |
| Schedule 6 (partially)  | 1 <sup>st</sup> August 2005  | 2005/2026    |
| Schedule 6 (to the extent not already in force)                     | 1 <sup>st</sup> January 2006 | 2005/3136    |
| Schedule 8 (partially)  | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Schedule 9 (partially)  | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Schedules 11 and 12   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Schedule 13 (partially)   | 1 <sup>st</sup> July 2005    | 2005/1521    |
| Schedule 17 (partially)   | 1 <sup>st</sup> July 2005    | 2005/1521    |

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