

**2017 No. 1017 (C. 93)**

**POLICE, ENGLAND AND WALES**

**MENTAL HEALTH, ENGLAND AND WALES**

**SENIOR COURTS OF ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Policing and Crime Act 2017 (Commencement No. 4 and  
Saving Provisions) Regulations 2017**

*Made* - - - -

*24th October 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 183(1) and (9) of the Policing and Crime Act 2017<sup>(a)</sup>:

**Citation and interpretation**

**1.**—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 4 and Saving Provisions) Regulations 2017.

(2) In these Regulations “the Act” means the Policing and Crime Act 2017.

**Provisions coming into force on 13th November 2017**

**2.** The day appointed for the coming into force of section 162 of the Act (requirement to give information in criminal proceedings) is 13th November 2017.

**Provisions coming into force on 11th December 2017**

**3.** The day appointed for the coming into force of the following provisions of the Act is 11th December 2017—

- (a) section 80 (extension of powers under sections 135 and 136 of the Mental Health Act 1983), in so far as not already in force<sup>(b)</sup>;
- (b) section 81 (restrictions on places that may be used as places of safety), in so far as not already in force;
- (c) section 82 (periods of detention in places of safety etc); and

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<sup>(a)</sup> 2017 c.3 (“the Act”).

<sup>(b)</sup> By virtue of section 183(5)(e) of the Act, sections 80 and 81 came into force on the day on which the Act was passed, so far as is necessary for enabling the exercise of any power to make provision by subordinate legislation.

- (d) section 83 (protective searches: individuals removed etc under section 135 or 136 of the Mental Health Act 1983).

### **Saving provisions in relation to powers under the Mental Health Act 1983**

4.—(1) Despite the coming into force of sections 80 to 83 of the Act in accordance with regulation 3, the amendments made by those sections do not apply in relation to a person where—

- (a) the warrant authorising the removal of that person under section 135 of the Mental Health Act 1983(a) was issued before 11th December 2017; or
- (b) the removal of that person to a place of safety under section 136 of the Mental Health Act 1983(b) started before 11th December 2017.

*Sarah Newton*  
Parliamentary Under Secretary of State  
Home Office

24th October 2017

### **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 saving provisions in relation to the coming into force of certain of those provisions. They are the fourth 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 provides for the commencement of section 162 of the Act, which amends the Courts Act 2003, on 13th November 2017.

Regulation 3 provides for the commencement, so far as they are not already in force, of sections 80 to 83 of the Act, which amend the Mental Health Act 1983, on 11th December 2017.

Regulation 4 makes saving provision to ensure that the amendments to the Mental Health Act 1983 commenced by regulation 3 do not apply in relation to a person if the warrant authorising their removal under section 135 of the Mental Health Act 1983 was issued, or their removal to a place of safety under section 136 of that Act started, before 11th December 2017.

### **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

(a) 1983 c. 20; section 135 was amended by paragraph 26 of Part I of Schedule 6, and Part 1 of Schedule 7, to the Police and Criminal Evidence Act 1984 (c.60), paragraph 1 of Schedule 10 to the National Health Service and Community Care Act 1990 (c.19), paragraph 9(9) of Schedule 4 to the Care Standards Act 2002 (c.14), section 44(2) of, and paragraph 10(a) of Schedule 2 to, the Mental Health Act 2007 (c.12), and S.I. 2015/914 and 2016/413. There are other amendments but none are relevant.

(b) Section 136 was amended by section 44(3) of, and paragraph 10(b) of Schedule 2 to, the Mental Health Act 2007.

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 32 (in so far as it was not already in force)	3rd April 2017	2017/399
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 45 (partially)	3rd April 2017	2017/399
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 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 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	2017/399
Schedule 1 (in so far as it was not already in force)	3rd April 2017	2017/399
Schedule 3 (in so far as it was not already in force)	17th July 2017	2017/726
Schedule 9 (partially)	3rd April 2017	2017/399
Schedule 9 (partially)	17th July 2017	2017/726
Schedule 12 (partially)	3rd April 2017	2017/399
Schedule 14 (partially)	3rd April 2017	2017/399

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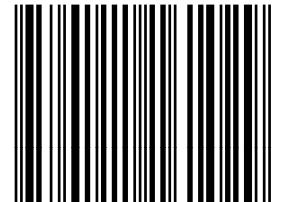
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