
STATUTORY INSTRUMENTS

2017 No. 1139 (C. 107)

POLICE

**The Policing and Crime Act 2017 (Commencement
No. 5 and Transitional Provisions) Regulations 2017**

Made - - - - 22nd November
2017

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 183(1), (7) and (9) of the Policing and Crime Act 2017⁽¹⁾.

Citation and interpretation

1.—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 5 and Transitional Provisions) Regulations 2017.

(2) In these Regulations—

- (a) “the Act” means the Policing and Crime Act 2017; and
- (b) “the 2002 Act” means the Police Reform Act 2002⁽²⁾.

Provisions coming into force on 1st December 2017

2. The day appointed for the coming into force of the following provisions of the Act is 1st December 2017—

- (a) sections 29 (1) to (7) (disciplinary proceedings: former members of police forces and former special constables) in so far as not already in force⁽³⁾;
- (b) section 29 (8), in so far as that subsection relates to provisions specified in paragraphs 1 to 5 of Schedule 7 (disciplinary proceedings: former members of Ministry of Defence Police), and paragraphs 1 to 5 of Schedule 7, in so far as not already in force;
- (c) section 30 (police barred list and police advisory list) and Schedule 8 (Part to be inserted as Part 4A of the Police Act 1996⁽⁴⁾) in so far as not already in force;
- (d) section 38 (powers of police civilian staff and police volunteers), Schedule 10 (Schedule to be inserted as Schedule 3B to the Police Reform Act 2002) and Schedule 11 (Schedule to be inserted as Schedule 3C to the Police Reform Act 2002);

(1) 2017 c. 3.

(2) 2002 c. 30.

(3) See section 183(5)(e).

(4) 1996 c. 16.

- (e) section 39 (application of Firearms Act 1968 to the police: special constables and volunteers);
- (f) section 40 (training etc of police volunteers);
- (g) section 41 (police volunteers: complaints and disciplinary matters);
- (h) section 42 (police volunteers: police barred list and police advisory list);
- (i) section 43 (police volunteers: inspection);
- (j) section 44 (restrictions on designated persons acting as covert human intelligence sources), and
- (k) section 45 (further amendments consequential on section 38 etc) and Schedule 12 (powers of civilian staff and volunteers: further amendments) in so far as not already in force.

Provisions coming into force on 1st December 2018

3. The day appointed for the coming into force of section 46 (removal of powers of police in England and Wales to appoint traffic wardens) and Schedule 13 (abolition of office of traffic warden) is 1st December 2018

Transitional provision

4. Subject to regulation 5, any designations made under section 38(5) (police powers for civilian staff(6)) of the 2002 Act prior to the coming into force of section 38 of the Act (and the powers and duties conferred or imposed by that designation) remain in force until they are amended or revoked under section 38 of the 2002 Act as it applies after the coming into force of section 38 of the Act.

5. Regulation 4 does not apply to any part of a designation made under section 38 of the 2002 Act prior to the coming into force of section 38 of this Act which conferred or imposed powers and duties that are included in Part 1 of Schedule 3B(7) (excluded powers and duties of constables) to the 2002 Act (as it applies after the coming into force of section 38 of the Act), with the effect that those powers cease to be conferred or imposed under section 38 of the 2002 Act.

22nd November 2017

Nick Hurd
Minister of State
Home Office

(5) Section 38 was amended by the Serious Organised Crime and Police Act 2005 (c. 15) paragraphs 1 and 2 of Schedule 17; the Police and Justice Act 2006 (c. 48) section 7(1), and paragraph 2(2) to 2(4) of Schedule 5; and by the Police Reform and Social Responsibility Act 2011 (c. 13) paragraphs 277 and 292 of Schedule 16.

(6) The heading for section 38 is amended by section 38(9) of the Policing and Crime Act 2017, and that amendment is commenced by these Regulations.

(7) Part 1 of Schedule 3B was inserted by Schedule 10 to the Policing and Crime Act 2017, and is commenced by these Regulations.

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 in relation to powers and duties conferred under section 38 of the Police Reform Act 2002 (“the 2002 Act”) prior to the commencement of section 38 of the Act. They are the fifth 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 which will come into force on 1st December 2017. In particular, paragraph (a) commences provisions concerning disciplinary measures relating to former members of police forces and special constables in England and Wales; paragraph (b) commences provisions concerning disciplinary measures relating to former members of the Ministry of Defence Police; paragraph (c) commences provisions which implement the police barred list which prevents certain individuals from being appointed as members of police forces and special constables; paragraph (d) commences provisions which permit chief officers to designate civilian staff and volunteers as policing support or community support officers, so that those staff or volunteers can exercise the powers or duties conferred or imposed on those officers; paragraph (e) commences provisions which include those designated under section 38 of the 2002 Act in the definition of “the service of Her Majesty” for the purposes of the Firearms Act 1968 and expressly includes special constables in the definition of “member of a police force” in that Act; paragraph (f) commences provisions about the training of police civilian volunteers; paragraph (g) commences provisions which include police civilians and volunteers designated under section 38 of the 2002 Act within the police disciplinary framework; paragraph (h) commences provisions which bring police civilians and volunteers designated under section 38 of the 2002 Act within the police barred list which will prevent certain individuals from being appointed as civilian staff of police forces; paragraph (i) commences provisions which have the effect of permitting Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services to inspect the activities of police civilians and volunteers designated under section 38 of the 2002 Act; paragraph (j) commences provisions which prohibit the use of police civilians and volunteers designated under section 38 of the 2002 Act acting in person as covert human intelligence sources; and paragraph (k) commences provisions set out in Schedule 12 to the Act that make consequential and correcting amendments to other legislation.

Regulation 3 provides that section 46 comes into force on 1st December 2018, which has the effect that the powers of police forces in England and Wales to appoint traffic wardens cease on that day.

Regulation 4 makes transitional provision so that designations made prior to the commencement of section 38 of the Act of police powers under section 38 of the 2002 Act to police civilian staff remain effective until they are amended, repealed or revoked under section 38 of the 2002 Act, as amended by section 38 of the Act.

Regulation 5 provides that the transitional provision in regulation 4 does not apply to any designations of police powers which would be prohibited by virtue of section 38(6B)(a) of the 2002 Act because those police powers are included in Part 1 of Schedule 3B of the 2002 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 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 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
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 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