
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Policing and Crime Act 2017 (c. 3) (“the Act”) and make transitional provision in relation to the coming into force of certain of those provisions. Certain provisions were brought into force on Royal Assent by section 183(5) of the Act and others commence on 31st March 2017 by virtue of section 183(6) of the Act.

Regulation 2 and the Schedule to the Regulations set out the provisions which will come into force on 3rd April 2017. In particular: paragraph 1 of the Schedule commences the provisions in Part 1, Chapter 1 of the Act which provide for collaboration agreements between police bodies, fire and rescue bodies and NHS trusts and NHS foundation trusts that provide ambulance services and impose certain duties in relation to these agreements; paragraphs 2 and 38 of the Schedule commence (in so far as not already in force), provisions that, amongst other things, amend the Fire and Rescue Services Act 2004 (c. 21) to enable the establishment of a new type of fire and rescue authority for a specified area and for the person who is for the time being the police and crime commissioner for the corresponding police area to be that fire and rescue authority; and paragraph 3 commences provisions that would enable a police and crime commissioner to be represented on a fire and rescue authority. Paragraphs 12 to 17 of the Schedule commence provisions in Part 4, Chapter 1 of the Act that amend the Police and Criminal Evidence Act 1984 (c. 60) in relation to pre-charge bail. These include provisions in sections 52 to 58 of the Act which introduce a presumption in favour of release without bail and sections 62 to 64 that make provision about statutory time limits on the period of bail and judicial oversight of extensions of bail beyond three months. Paragraph 18 of the Schedule commences section 66 and 67 which require the police to notify a person released without bail once a decision has been reached that they will not be prosecuted for the offence for which they were originally arrested. Paragraph 19 of the Schedule commences sections 68 and 69 of the Act which make provision for an offence applicable to terrorist suspects who have been bailed subject to a condition restricting their travel and breach that condition.

Regulation 3 sets out the provisions which will come into force on 6th April 2017. Each of these provisions makes amendments to the Licensing Act 2003 (c. 17). In particular Regulation 3(a) commences section 135 of the Act, which amends the definition of alcohol in section 191(1) of the Licensing Act 2003 to ensure that it covers alcohol in any state including powdered and vaporised alcohol and Regulation 3(d) commences section 138 of the Act that makes provision for the revocation of a personal licence by a licensing authority.

Regulation 4 sets out the provisions which will come into force on 2nd May 2017. In particular Regulation 4(a) commences sections 36 and 37 of the Act which, amongst other things, broaden Her Majesty’s Inspectorate of Constabulary’s (“HMIC”) powers to inspect police forces so that they can also inspect those contracting with police forces to provide police services and imposes an obligation on police and crime commissioners to respond to HMIC reports within 56 days of receiving the report. Regulations 4(b) to (d) commence certain firearms-related provisions of the Act. In particular they commence section 125 of the Act that amends the Firearms Act 1968 (c. 27) in relation to the definition of a firearm and sections 127 and 128 of the Act that create new criminal offences in relation to possession of items for use in the conversion of an imitation firearm to a firearm, and of selling, transferring or offering to sell or transfer a weapon that is not deactivated according to the relevant technical standards. Section 128 of the Act also gives effect to EU Commission Implementing Regulation (EU) 2015/2403 of 15th December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.

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

Regulations 5, 6, 7 and 8 make transitional provision. Regulation 5 provides that the arrangements for pre-charge bail that are commenced by Regulation 2 will only apply to a person in relation to an offence for which they are first arrested on or after 3rd April 2017 or in respect of a conditional caution received on or after 3rd April 2017. Regulation 6 makes provision to ensure that the amendments made by section 70 of the Act to Part 5 of the Police and Criminal Evidence Act 1984 and that are commenced by Regulation 2 and paragraph 20 of the Schedule, will not apply in relation to fingerprints taken before the 3rd April 2017. It also provides that the amendments specified will not apply for the purpose of section 63P of the 1984 Act where the date of arrest or (as the case may be) charge for a further offence is before the 3rd April 2017. Regulation 7 makes clear that the amendments made by the Act to section 55 of the Police Act 1996 (c. 16) in relation to publication of reports will not apply to reports that are published before 2nd May 2017. Regulation 8 makes similar provision in relation to publication of reports of HMIC inspections of the National Crime Agency under the Crime and Courts Act 2013 (c. 22).