STATUTORY INSTRUMENTS

2017 No. 1249 (C. 118)

POLICE, ENGLAND AND WALES

The Policing and Crime Act 2017 (Commencement No. 6 and Transitional Provisions) Regulations 2017

Made - - - - 12th December 2017

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

Citation and interpretation

1.—(1) These Regulations may be cited as the Policing and Crime Act 2017 (Commencement No. 6 and Transitional Provisions) Regulations 2017.

(2) In these Regulations—

"2017 Act" means the Policing and Crime Act 2017;

"commencement date" means 8th January 2018.

Commencement of provisions in the 2017 Act

2.—(1) The provisions of the 2017 Act to which paragraph (2) applies, to the extent not already in force, come into force on the commencement date.

(2) The provisions of the 2017 Act to which this paragraph applies are—

(a) section 33;

(b) section 34 with the exception of subsection (3);

(c) section 35; and

(d) Schedule 9.

Transitional provisions

3.—(1) Anything done (or having effect as if done) before the commencement date by or in relation to a transferor in connection with a function transferred to the Director General by a relevant provision of the 2017 Act is to have effect, so far as necessary for continuing its effect on and after the commencement date, as if done by or in relation to the Director General.

(**1**) 2017 c. 3.

(2) Anything which, immediately before the commencement date, is in the process of being done by or in relation to a transferor in connection with a function transferred to the Director General by a relevant provision of the 2017 Act, may be continued by or in relation to the Director General.

(3) Anything which immediately before the commencement date, is in the process of being done by or in relation to the Commission in connection with a function which, by virtue of a relevant provision of the 2017 Act, is exercisable on or after the commencement date by that body (as renamed the Independent Office for Police Conduct(**2**)) and the Director General jointly may be continued by or in relation to that body and the Director General acting jointly.

(4) Any person who, before the commencement date, has been designated by the Commission under paragraph 19(2)(**3**) of Schedule 3 to the 2002 Act ("the relevant provision") in respect of an investigation is, if the investigation is not completed or discontinued before that date, to be treated on and after that date as having been designated by the Director General under the relevant provision (as amended by paragraph 56 of Schedule 9 to the 2017 Act) whether or not the person satisfies the conditions for designation under the relevant provision (as amended).

(5) Paragraph (4) does not prevent the Director General from making a further designation in respect of an investigation under paragraph 19(2) of Schedule 3 to the 2002 Act after the commencement date.

(6) Anything—

(a) done (or having effect as if done) before the commencement date by or in relation to the Commission in connection with a historic case; but

(b) which does not fall within paragraph (1),

is, to have effect, so far as necessary for continuing its effect after the commencement date as if done by or in relation to the Director General.

(7) Anything which—

(a) immediately before the commencement date, is in the process of being done by or in relation to the Commission in connection with a historic case; but

(b) does not fall within paragraph (2),

may be continued by or in relation to the Director General.

(8) Any enactment, instrument or other document passed or made before the commencement date is to have effect on and after that date, so far as necessary for the purposes of or in consequence of paragraphs (1) to (7), as if any references (however expressed) to a transferor were references to the Director General.

(9) In this regulation—

"2002 Act" means the Police Reform Act 2002(**4**);

"Commission" means the Independent Police Complaints Commission;

"Director General" means the Director General of the Independent Office for Police Conduct;

"historic case" means a matter to which Article 6 of the Police Reform and Social Responsibility Act 2011 (Commencement No. 7 and Transitional Provisions and Commencement No. 3 and Transitional Provisions (Amendment)) Order(**5**) applies (complaint etc. which came to the attention of an appropriate authority before 22nd November 2012).

"relevant provision of the 2017 Act" means a provision of the 2017 Act which is commenced (to any extent) by these Regulations;

(**2**) The Independent Police Complaints Commission is renamed the Independent Office for Police Conduct by section 9(1) of the 2002 Act. Section 9 is inserted by section 33 of the 2017 Act.
(**3**) There have been amendments to paragraph 19 which are not relevant.
(**4**) 2002 c. 30.
(**5**) S.I. 2012/2892

"transferor" means—

(a) the Commission;

(b) any other person from whom a function is transferred to the Director General by a relevant provision of the 2017 Act.

Nick Hurd
Minister of State
Home Office

12th December 2017