STATUTORY INSTRUMENTS

2017 No. 399 (C. 38)

ARMS AND AMMUNITION
CORONERS, ENGLAND AND WALES
CRIMINAL LAW, ENGLAND AND WALES
FIRE AND RESCUE SERVICES, ENGLAND
LICENCES AND LICENSING
POLICE

The Policing and Crime Act 2017 (Commencement No. 1 and Transitional Provisions) Regulations 2017

Made - - - - 13th March 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. 1 and Transitional Provisions) Regulations 2017.

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

Provisions coming into force on 3rd April 2017

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to these Regulations is 3rd April 2017.

Provisions coming into force on 6th April 2017

3. The day appointed for the coming into force of the following provisions of the Act is 6th April 2017—

(a) section 135 (meaning of "alcohol": inclusion of alcohol in any state);

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

(b) section 136 (interim steps pending review: representations);

(c) section 137 (summary reviews of premises licences: review of interim steps);

(d) section 138 (personal licences: licensing authority powers in relation to convictions);

(e) section 139 (Licensing Act 2003: addition of further relevant offences); and

(f) section 140 (Licensing Act 2003: guidance).

Provisions coming into force on 2nd May 2017

4. The day appointed for the coming into force of the following provisions of the Act is 2nd May 2017—

(a) sections 36 and 37 (inspection);

(b) section 125 (Firearms Act 1968: meaning of "firearm"etc) in so far as it is not already in force;

(c) section 127 (possession of articles for conversion of imitation firearms);

(d) section 128 (controls on defectively deactivated weapons);

(e) section 129 (controls on ammunition which expands on impact); and

(f) section 130 (authorised lending and possession of firearms for hunting etc).

Transitional provision in respect of pre-charge bail

5.—(1) Sections 52 to 58, 60 and 62 to 65 of the Act do not apply in relation to a person in respect of an offence if the person was—

(a) first arrested for the offence on or before 2nd April 2017;

(b) given a conditional caution in respect of the offence on or before 2nd April 2017.

(2) In this regulation "conditional caution" has the same meaning as in Part 3 of the Criminal Justice Act 2003(**2**).

Transitional provision in respect of retention of biometric material

6.—(1) Subject to paragraph (2), section 70 of the Act only applies to section 63D material taken or (in the case of a DNA profile) derived from a sample taken, on or after 3rd April 2017.

(2) The amendments made by section 70 of the Act to sections 63F, 63H, 63K and 63N of the 1984 Act apply for the purposes of section 63P(2) of the 1984 Act(**3**) where the date mentioned in section 63P(2)(b) is 3rd April 2017 or any subsequent date.

(3) In this Regulation—

"the 1984 Act" means the Police and Criminal Evidence Act 1984(**4**);

"Section 63D material" means fingerprints and DNA profiles to which section 63D of the 1984 Act(**5**) applies.

(**2**) 2003 c. 44.
(**3**) Section 63P of the 1984 Act was substituted by section 145(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 c. 12.
(**4**) 1984 c. 60.
(**5**) Section 63D of the 1984 Act was inserted by section 1 of the Protection of Freedoms Act 2012 c. 9.

Transitional provisions in respect of inspection

7. Section 37(2) of the Act does not apply in relation to reports published under section 55 of the Police Act 1996(**6**) on or before 1st May 2017.

8. Section 37(6) of the Act does not apply in relation to reports published under section 11 of, and paragraph 3 of Schedule 6 to, the Crime and Courts Act 2013(**7**) on or before 1st May 2017.

Brandon Lewis
Minister of State
Home Office

13th March 2017

(**6**) 1996 c. 16; section 55 was amended by section 84 of the Police Reform and Social Responsibility Act 2011 c. 16. There are other amendments but none is relevant.
(**7**) 2013 c. 22.