

2011 No. 410 (C. 15)

POLICE, ENGLAND AND WALES

**The Serious Organised Crime and Police Act 2005
(Commencement No.14) Order 2011**

Made - - - -

14th February 2011

The Secretary of State makes the following Order in exercise of the powers conferred by section 178(8) of the Serious Organised Crime and Police Act 2005(a):

Citation

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No. 14) Order 2011.

Commencement

2. The following provisions of the Serious Organised Crime and Police Act 2005 shall come into force on 7th March 2011—

- (a) section 117(1) and (2) (fingerprints: amendments to section 61 of PACE);
- (b) section 117(4)(a) (fingerprints: amendments to section 61 of PACE);
- (c) section 117(5) (fingerprints: amendments to section 63A of PACE);
- (d) section 117(6) (so far as not already in force);
- (e) section 117(8) to (10) (fingerprints: amendments to section 63A of PACE); and
- (f) section 121(5)(a) (custody officers: amendments to PACE).

Home Office
14th February 2011

Nick Herbert
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 7th March 2011 section 117 of the Serious Organised Crime and Police Act 2005. Section 117 amends section 61 of the Police and Criminal Evidence Act 1984 (c.60). The amendment gives a police constable the power to take a person's fingerprints without their consent where the person is unknown to the officer and their name cannot reasonably be ascertained, or where an officer has reasonable grounds for doubting the validity of the name given.

On the same date, this Order also brings into force section 121(5)(a) of the Act. This provision amends section 36 of the Police and Criminal Evidence Act 1984. The effect is that references to a custody officer in section 34 of PACE 1984 (limitations on police detention) include references to an officer other than a custody officer who is performing the functions of a custody officer. This means that officers who do not hold the rank of sergeant can perform the function of a custody officer in the context of limitations on police detention; namely they can order the release from custody of persons in detention in respect of whom the grounds for detention have ceased to apply.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Serious Organised Crime and Police Act 2005 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) and (2) (partially)	1st March 2006	2006/378
Section 1(1) and (2) (to the extent not already in force)	1st April 2006	2006/378
Section 1(3)	1st January 2006	2005/3495
Sections 2 to 5	1st April 2006	2006/378
Section 6	1st March 2006	2006/378
Section 7	1st April 2006	2006/378
Sections 8 to 10	1st January 2006	2005/3495
Sections 11 to 16	1st April 2006	2006/378
Sections 17 and 18	1st January 2006	2005/3495
Sections 19 to 26	1st April 2006	2006/378
Section 27	1st January 2006	2005/3495
Sections 28 to 38	1st April 2006	2006/378
Section 39	1st January 2006	2005/3495
Sections 40 and 41	1st April 2006	2006/378
Section 42	1st January 2006	2005/3495
Sections 43 and 44(1)	1st March 2006	2006/378
Section 44(2)	1st January 2006	2005/3495
Sections 45 to 51	1st April 2006	2006/378
Section 52	1st January 2006	2005/3495
Section 53	1st April 2006	2006/378
Section 54	1st January 2006	2005/3495
Section 55(1)(e) and (2)	1st March 2006	2006/378
Section 55 (to the extent not already in force)	1st April 2006	2006/378
Sections 56 and 57	1st April 2006	2006/378
Section 58	1st January 2006	2005/3495
Section 59 (partially)	1st January 2006	2005/3495
Section 59 (to the extent not already in force)	1st April 2006	2006/378
Sections 60 to 70 (as to England and Wales)	1st April 2006	2005/1521
Sections 71 to 75	1st April 2006	2006/378
Section 76	1st April 2006	2006/378
Section 78	1st April 2006	2006/378
Sections 79 to 81 (as to England and Wales and Northern Ireland)	1st April 2006	2006/378
Sections 82 to 94 (as to England and Wales and Northern Ireland)	1st April 2006	2005/1521
Section 95	1st July 2005	2005/1521
Section 96 (Scotland)	1st July 2005	SSI 2005/358
Section 96 (England, Wales and Northern Ireland)	1st July 2005	2005/1521
Section 97	1st July 2005	2005/1521
Section 98	1st January 2006	2005/3136
Sections 99 to 101	1st July 2005	2005/1521
Section 102	15th May 2006	2006/1085

Sections 103 to 108	1st July 2005	2005/1521
Section 109 (partially)	1st August 2005	2005/2026
Section 109 (to the extent not already in force)	1st January 2006	2005/3136
Sections 110 and 111	1st January 2006	2005/3495
Section 112	1st July 2005	2005/1521
Sections 113 and 114(1) to (8)	1st January 2006	2005/3495
Section 115	1st July 2005	2005/1521
Section 116(1) to (3) and (5)	1st August 2005	2005/2026
Section 116 (to the extent not already in force)	1st January 2006	2005/3495
Section 118	1st January 2006	2005/3495
Section 119	1st July 2005	2005/1521
Section 122(1) to (6)	1st August 2005	2005/2026
Section 122(7) (partially)	1st July 2005	2005/1521
Section 122(7) (partially)	1st January 2006	2005/3495
Sections 123 to 131	1st July 2005	2005/1521
Section 132 (partially)	1st July 2005	2005/1521
Section 132 (to the extent not already in force)	1st August 2005	2005/1521
Section 133 (partially)	1st July 2005	2005/1521
Section 133 (to the extent not already in force)	1st August 2005	2005/1521
Section 134 (partially)	1st July 2005	2005/1521
Section 134 (to the extent not already in force)	1st August 2005	2005/1521
Sections 135 to 137	1st August 2005	2005/1521
Sections 138 to 143	1st July 2005	2005/1521
Section 144 (partially)	20th July 2006	2006/1871
Sections 145 to 155	1st July 2005	2005/1521
Section 156	1st July 2005	SSI 2005/358
Section 157	1st April 2006	2005/1521
Sections 159 and 160	1st July 2005	2005/1521
Section 161(1)	8th May 2006	2006/1085
Section 161 (2) to (5) (partially)	1st July 2005	2005/1521
Section 161(2) to (4) (to the extent not already in force)	1st August 2005	2005/2026
Section 161(5) (to the extent not already in force)	8th May 2006	2006/1085
Section 162 (partially)	1st July 2005	2005/1521
Section 163(1) ,(2) and (3) (partially) (as to England and Wales)	6th April 2006	2006/378
Section 163(2) (partially) (as to England and Wales)	25th September 2006	2006/2182
Section 163(2) (partially) (as to England and Wales)	12th November 2007	2007/3064
Section 163(2) (partially) (as to England and Wales)	28th February 2008	2008/306
Section 163(3) (as to Northern Ireland)	3rd December 2007	2007/3341
Section 164 (as to Scotland)	1st July 2005	SSI 2005/358
Section 164 (to the extent not already in force)	1st July 2005	2005/1521

Section 165 (partially) (as to England, Wales and Northern Ireland)	1st July 2005	2005/1521
Section 165 (to the extent not already in force) (as to England and Wales)	6th April 2006	2006/378
Section 165(2) and (3) (as to Northern Ireland)	3rd December 2007	2007/3341
Section 166 (partially) (as to Scotland)	1st July 2005	SSI 2005/358
Section 166 (partially) (as to England, Wales and Northern Ireland)	1st July 2005	2005/1521
Section 166(2) (as to Northern Ireland)	3rd December 2007	2007/3341
Sections 168 and 169	1st July 2005	2005/1521
Section 170	1st June 2008	2008/1325
Section 171(1) (partially) (as to Scotland)	30th June 2006	SSI 2006/381
Section 171(1) (partially) (as to England and Wales)	6th July 2006	SSI 2006/381
Section 171(2)	6th July 2006	SSI 2006/381
Section 174(1)	1st January 2006	2005/3495
Section 174(2) (partially)	1st July 2005	2005/1521
Section 174(2) (partially)	1st January 2006	2005/3495
Section 174(2) (partially)	1st April 2006	2006/378
Section 174(2) (partially) (as to England and Wales)	6th April 2006	2006/378
Section 174(2) (partially)	8th May 2006	2006/1085
Section 175	1st July 2005	2005/1521
Schedule 1 (partially)	1st March 2006	2006/378
Schedule 1 (to the extent not already in force)	1st April 2006	2006/378
Schedule 2 (partially)	1st March 2006	2006/378
Schedule 2 (to the extent not already in force)	1st April 2006	2006/378
Schedule 3	1st January 2006	2005/3495
Schedule 4 (partially)	1st January 2006	2005/3495
Schedule 4 (partially)	1st April 2006	2006/378
Schedule 5 (as to England, Wales and Northern Ireland)	1st April 2006	2005/1521
Schedule 6 (partially)	1st August 2005	2005/2026
Schedule 6 (to the extent not already in force)	1st January 2006	2005/3136
Schedule 7	1st January 2006	2005/3495
Schedule 8 (partially)	1st July 2005	2005/1521
Schedule 8 (to the extent not already in force)	1st January 2006	2005/3495
Schedule 9 (partially)	1st July 2005	2005/1521
Schedule 10 (partially)	20th July 2006	2006/1871
Schedules 11 and 12	1st July 2005	2005/1521
Schedule 13 (partially)	1st July 2005	2005/1521
Schedule 13 (partially)	8th May 2006	2006/1085
Schedule 14 (partially) (as to England and Wales)	6th April 2006	2006/378
Schedule 14 (partially) (as to Northern Ireland)	3rd December 2007	2007/3341
Schedule 15 (partially) (as to Scotland)	30th June 2006	SSI 2006/381
Schedule 15 (partially) (as to England and Wales)	6th July 2006	SSI 2006/381
Schedule 16	1st January 2006	2005/3495
Schedule 17 (partially)	1st July 2005	2005/1521

Schedule 17 (partially)	1st January 2006	2005/3495
Schedule 17 (partially)	1st April 2006	2006/378
Schedule 17 (partially) (as to England and Wales)	6th April 2006	2006/378
Schedule 17 (partially)	8th May 2006	2006/1085

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STATUTORY INSTRUMENTS

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