



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 9

#### GENERAL

#### 116 Commencement

(1) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint.

[<sup>F1</sup>(1A) [<sup>F2</sup>Subject to subsection (2A),] the power to make provision by order under subsection (1) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

(2) Before making an order under subsection (1) relating to section 104 or 105, the Secretary of State [<sup>F3</sup>(but not the Department of Justice)] must obtain the consent of the Scottish Ministers.

[<sup>F4</sup>(2A) The power to make an order under subsection (1) relating to section 57 is exercisable by the Secretary of State only with the consent of the Department of Justice in Northern Ireland.]

(3) The following provisions come into force on such day as the Treasury may by order appoint—

- (a) section 98,
- (b) section 99 and Part 9 of Schedule 8 (and section 112(2) so far as relating to that Part), and
- (c) section 101.

(4) Section 27, Schedule 3 and paragraph 23 of Schedule 7 come into force—

- (a) in relation to England, on such day as the Secretary of State may by order appoint, and
- (b) in relation to Wales, on such day as the Welsh Ministers may by order appoint.

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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 116. (See end of Document for details)*

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- (5) The following provisions come into force on the day on which this Act is passed—
- (a) section 81,
  - (b) section 100,
  - (c) section 111 and Part 12 of Schedule 8 (and section 112(2) so far as relating to that Part), and
  - (d) sections 112(3) to (9) and 113 to 115, this section and section 117.
- (6) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
- (a) Part 13 of Schedule 7 (and section 112(1) so far as relating to that Part), and
  - (b) Part 13 of Schedule 8 (and section 112(2) so far as relating to that Part).
- (7) Any power to make an order under this section—
- (a) may be exercised by statutory instrument [<sup>F5</sup>(subject to subsection (8))],
  - (b) may be exercised so as to appoint different days for different purposes or different areas,
  - (c) includes power to make transitional, transitory or saving provision.
- [<sup>F6</sup>(8) The power of the Department of Justice in Northern Ireland to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]

#### Textual Amendments

- F1** S. 116(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(2)** (with arts. 28-31)
- F2** Words in s. 116(1A) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **18(3)(a)** (with arts. 24-28)
- F3** Words in s. 116(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(3)** (with arts. 28-31)
- F4** S. 116(2A) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **18(3)(b)** (with arts. 24-28)
- F5** Words in s. 116(7)(a) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(4)** (with arts. 28-31)
- F6** S. 116(8) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 107(5)** (with arts. 28-31)

**Changes to legislation:**

There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 116.