STATUTORY INSTRUMENTS

2020 No. 357 (C. 17)

POLICE, ENGLAND AND WALES

The Serious Organised Crime and Police Act 2005 (Commencement No. 16) Order 2020

Made - - - - 26th March 2020

The Secretary of State makes the following Order in exercise of the powers conferred by section 178(8) and (9) of the Serious Organised Crime and Police Act 2005(**a**).

Citation, interpretation and extent

1.—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Commencement No. 16) Order 2020.

(2) In this Order—

"NHS health services" means—

(a) in relation to England, any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 (Secretary of State's duty to promote comprehensive health service)(**b**); and

(b) in relation to Wales, any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service (Wales) Act 2006 (Welsh Ministers' duty to promote health service)(**c**);

"social care services" means—

(a) in relation to England—

(i) adult social services as defined in section 97(1) of the Health and Social Care Act 2008 (general interpretation)(**d**) and services which are the same as services which could be provided by a local authority in exercise of any of its adult social services functions as defined in section 97(1) of the Health and Social Care Act 2008, whoever provides them; and

(ii) services provided or commissioned in relation to children by a local authority in the exercise of its social services functions as defined in section 1A of the Local Authority Social Services Act 1970 (meaning of "social services functions")(**e**) and the duties described in sections 23C to 24D of the Children Act 1989 (duties in relation to relevant former children and other young persons)(**f**);

(**a**) 2005 c. 15.
(**b**) 2006 c. 41. Section 1 was substituted by section 1 of the Health and Social Care Act 2012 (c. 7).
(**c**) 2006 c. 42.
(**d**) 2008 c. 14. Section 97(1) was amended by paragraphs 154 and 166 of Schedule 5 and paragraphs 108 and 109 of Schedule 14 to the Health and Social Care Act 2012 and S.I. 2012/961.
(**e**) 1970 c. 42. Section 1A was inserted by section 102(3) of the Local Government Act 2000 (c. 22).
(**f**) 1989 c. 41. Section 23C was inserted by section 2(1) and (4) of the Children (Leaving Care) Act 2000 (c. 35) and amended by section 21(1) to (3) of the Children and Young Persons Act 2008 (c. 23) and S.I. 2016/413. Section 23CZA was inserted by section 98(1) and (2) of the Children and Families Act 2014 (c. 6) and amended by S.I. 2016/413. Section 23CZB was inserted by section 3(1) and (2) of the Children and Social Work Act 2017 (c. 16). Section 23CA was inserted by section

(b) in relation to Wales, services provided or commissioned by a local authority in Wales in the exercise of its social services functions as defined in section 143 of, and Schedule 2 to, the Social Services and Well-being (Wales) Act 2014 (social services functions of local authorities)(**a**) and services which are the same as services which could be provided by a local authority in Wales in exercise of any of its social services functions, whoever provides them.

(3) This Order extends to England and Wales.

Commencement

2. Section 163(2)(**b**) of the Serious Organised Crime and Police Act 2005 (criminal record certificates) comes into force for the purpose of inserting subsections (1) and (2) of section 113E of the Police Act 1997(**c**) (criminal record certificates: specified children's list: urgent cases)—

(a) on 27th March 2020 in so far as those subsections relate to applications for an enhanced criminal record certificate under section 113B of the Police Act 1997 (enhanced criminal record certificates)(**d**) made—

(i) by a person who is registered, or who the Registrar is considering registering, as a nurse, midwife or nursing associate (individually or as part of a specified group) under article 9A of the Nursing and Midwifery Order 2001 (temporary registration in emergencies involving loss of human life or human illness etc)(**e**);

(ii) by a person who is registered, or who the Registrar is considering registering, as a member of a relevant profession (individually or as part of a specified group) under article 9A of the Health Professions Order 2001 (temporary registration in emergencies involving loss of human life or human illness etc)(**f**);

(iii) by a person who is registered, or who the regulator is considering registering, as a social worker (individually or as part of a specified group) under regulation 12A of the Social Workers Regulations 2018 (temporary registration in emergencies involving loss of human life or human illness etc)(**g**);

(iv) by a person who is registered, or who the registrar is considering registering, as a social worker (individually or as part of a specified group) under section 83A of the Regulation and Inspection of Social Care (Wales) Act 2016 (temporary registration in emergencies involving loss of human life or human illness etc)(**h**);

22(2) of the Children and Young Persons Act 2008 and amended by section 3(1) and (3) of the Children and Social Work Act 2017 and S.I. 2016/413. Sections 23D and 23E were inserted by section 3 of the Children (Leaving Care) Act 2000. Section 23D was amended by section 23(1) of the Children and Young Persons Act 2008, section 3(1) and (4) of the Children and Social Work Act 2017 and S.I. 2016/413. Section 23E was amended by section 3 of the Children and Social Work Act 2017, section 22(3), (4) and (5) of the Children and Young Persons Act 2008, section 82 of, and paragraph 65(1) and (2) of Schedule 3 to, the Children and Families Act 2014 and S.I. 2016/413. Sections 24 to 24C were inserted by section 4(1) of the Children (Leaving Care) Act 2000. Section 24 was amended by section 139(1) of, and paragraphs 50, 54 and 60 of Schedule 3 to, the Adoption and Children Act 2002 (c. 38), section 55(2) of, and paragraphs 47 and 49(a) of Schedule 5 to, the Health and Social Care Act 2012 (c. 7), section 34 of, and paragraphs 75 and 76 of Schedule 4 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), S.I. 2007/961, S.I. 2010/1158 and S.I. 2016/413. Section 24A was amended by sections 116(3) and 139(1) of, and paragraphs 54 and 61 of Schedule 3 to, the Adoption and Children Act 2002 and S.I. 2006/413. Section 24B was amended by section 139(1) of, and paragraphs 54 and 62 of Schedule 3 to, the Adoption and Children Act 2002, section 23(2) of the Children and Young Persons Act 2008 and S.I. 2016/413. Section 24C was amended by section 55(2) of, and paragraphs 47 and 50 of Schedule 5 to, the Health and Social Care Act 2012, section 34 of, and paragraphs 75 and 77 of Schedule 4 to, the Health and Social Care (Community Health and Standards) Act 2003, S.I. 2007/961, S.I. 2010/1158 and S.I. 2016/413. Section 24D was inserted by section 5 of the Children (Leaving Care) Act 2000 and amended by section 117(1) of the Adoption and Children Act 2002 and S.I. 2016/413.

(**a**) 2014 anaw 4. Schedule 2 was amended by paragraph 22 of Schedule 3 to the Housing Wales Act 2014 (2014 anaw 7) and S.I. 2016/413.

(**b**) Section 163(2) has been partially commenced by S.I. 2006/378; S.I. 2006/2182; S.I. 2007/3064; S.I. 2008/306 and S.I. 2015/188.

(**c**) 1997 c. 50.

(**d**) Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005.

(**e**) S.I. 2002/253. This Order was modified by paragraph 1 of Schedule 1 to the Coronavirus Act 2020 (c. 7).

(**f**) S.I. 2002/254. This Order was modified by paragraph 2 of Schedule 1 to the Coronavirus Act 2020.

(**g**) S.I. 2018/893. These Regulations were modified by paragraph 1 of Schedule 5 to the Coronavirus Act 2020.

(**h**) 2016 anaw 2. This Act was modified by paragraph 2 of Schedule 5 to the Coronavirus Act 2020.

(v) by a person who is registered, or who the Registrar is considering registering, as a fully registered medical practitioner (individually or as part of a specified group) under section 18A of the Medical Act 1983 (temporary registration with regard to emergencies involving loss of human life or human illness etc)(**a**);

(vi) by a person who is registered, or who the Registrar is considering registering, as a pharmacist or a pharmacy technician (individually or as part of a specified group) under article 34 of the Pharmacy Order 2010 (temporary entry with regard to emergencies involving loss of human life or human illness etc)(**b**);

(vii) for the purposes of considering the applicant's suitability for employment for the purposes of providing, or being engaged to provide, NHS health services or social care services in connection with, or in consequence of, the provision of care or treatment to a person who has, or is suspected of having, coronavirus disease as defined by section 1 of the Coronavirus Act 2020(**c**), whether or not in respect of that disease;

(b) immediately after the coming into force of section 9(8) of the Coronavirus Act 2020 (compensation for emergency volunteers) in so far as those subsections relate to applications for an enhanced criminal record certificate under section 113B of the Police Act 1997 from a person who is approved by the appropriate authority, or who the appropriate authority is considering approving, as an emergency volunteer in health or social care under section 9(8)(a) of the Coronavirus Act 2020.

Victoria Atkins
Parliamentary Under Secretary of State
Home Office

26th March 2020

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) into force on 27th March 2020, insofar as it relates to section 113E(1) and (2) of the Police Act 1997 (c. 50) ("1997 Act") and the type of applications listed in article 2(a) of this Order. For the purposes of applications made by an emergency volunteer, as defined in section 9(8)(a) of the Coronavirus Act 2020 (c. 7), section 163(2) will come into force immediately after section 9(8) of that Act comes into force.

Section 163(2) inserts sections 113A to 113F into the 1997 Act. Where an application is made for an enhanced criminal record certificate which is eligible for a check of the children's and/or adults' barred lists, section 113E provides for checks of those lists in urgent cases. A person included in a barred list is barred from engaging in regulated activity with the relevant group.

The commencement of section 163(2) is also limited to applications for enhanced criminal record certificates from those listed in article 2(a) and 2(b) and includes emergency volunteers, nurses, pharmacists, other health care professionals and social workers who are temporarily or otherwise registered under relevant legislation, including that modified by the Coronavirus Act 2020 and persons employed in connection with the provision of care and treatment of coronavirus disease.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sector is foreseen.

(**a**) 1983 c. 54. Section 18A was inserted by S.I. 2008/1774.
(**b**) S.I. 2010/231.
(**c**) 2020 c. 7.

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 order made before the date of this Order.

Provision	*Date of Commencement*	*S.I. No.*
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 to 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 (as to Scotland)	1st July 2005	S.S.I. 2005/358
Section 96 (as to 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	1st January 2006	2005/3136

force)		
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 117(1), (2), (4)(a), (5), (6), (8) to (10)	7th March 2011	2011/410
Section 118	1st January 2006	2005/3495
Section 119	1st July 2005	2005/1521
Section 121(5)(a)	7th March 2011	2011/410
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 2006	SSI 2005/358
Section 157	1st April 2006	2005/1521
Section 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(2) (partially) (as to England and Wales)	9th March 2015	2015/188
Section 163(3) (partially) (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 extend 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

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK202003261026 04/2020 19585

http://www.legislation.gov.uk/id/uksi/2020/357

ISBN 978-0-11-119490-4

