



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 5

MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

142 Commissioner for Victims and Witnesses

- (1) Part 3 of the Domestic Violence, Crime and Victims Act 2004 (c. 28) (victims etc) is amended as follows.
- (2) In section 48 (the Commissioner for Victims and Witnesses)—
 - (a) omit subsections (3) to (5) (establishment of corporation sole, no Crown status etc), and
 - (b) for subsection (6) substitute—

“(6) The Secretary of State may pay to, or in respect of, the Commissioner amounts—

 - (a) by way of remuneration, pensions, allowances or gratuities, or
 - (b) by way of provision for any such benefits.
- (7) The Secretary of State may pay sums in respect of the expenses of the Commissioner.”
- (3) In section 49 (general functions of Commissioner)—
 - (a) omit subsection (2)(d) (carrying out of research),
 - (b) omit subsection (3)(b) (laying of reports before Parliament), and
 - (c) at the end add—

“(4) The Commissioner must prepare in respect of each calendar year a report on the carrying out of the functions of the Commissioner during the year.
 - (5) The Commissioner must send a copy of each report prepared under subsection (4) to—

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- (a) the Secretary of State for Justice,
 - (b) the Attorney General, and
 - (c) the Secretary of State for the Home Department.
- (6) Reports under subsection (2)(b) or (4) must be published by the Commissioner.
- (7) If section 48 comes into force after the beginning of a calendar year, the first report under subsection (4) may relate to a period beginning with the day on which that section comes into force and ending with the end of the next calendar year.”
- (4) Omit section 50(2) (advice to authorities within Commissioner's remit).
- (5) In section 55 (Victims' Advisory Panel)—
- (a) after subsection (1) insert—
 - “(1A) The persons appointed under subsection (1) must include the Commissioner.
 - (1B) The Commissioner is to chair the Panel.”,
 - (b) in subsection (2), in paragraph (a) for “a” substitute “ any other ”, and
 - (c) in paragraph (b) of that subsection for “a” substitute “ such a ”.
- (6) Omit Schedule 8 (supplementary provision about the Commissioner for Victims and Witnesses).

Commencement Information

II S. 142 in force at 1.2.2010 by S.I. 2010/145, art. 2(1)(a)

143 Implementation of E-Commerce and Services directives: penalties

- (1) Paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972 (c. 68) (limitation on penalty which can be imposed for a criminal offence) does not apply in relation to the exercise of the powers conferred by section 2(2) of that Act (implementation of EU obligations etc) for the purpose of implementing—
- (a) Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services in particular electronic commerce in the Internal Market (Directive on electronic commerce), or
 - (b) Directive [2006/123/EC](#) of the European Parliament and of the Council of 12 December 2006 on services in the internal market.
- (2) Where a statutory instrument includes provision by virtue of subsection (1)—
- (a) if paragraph 2 of Schedule 2 to the European Communities Act 1972 (c. 68) applies to the instrument, sub-paragraph (2) of that paragraph has effect as if it required a draft of the instrument to be approved by resolution of each House of Parliament or, in the case of an instrument made by the Scottish Ministers, of the Scottish Parliament;
 - (b) if section 59(3) of the Government of Wales Act 2006 (c. 32) applies to the instrument, that provision has effect as if it required a draft of the instrument to be approved by resolution of the National Assembly for Wales.

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- (3) Where a statutory rule to which paragraph 3 of Schedule 2 to the European Communities Act 1972 applies includes provision by virtue of subsection (1), that paragraph has effect as if it required a draft of the rule to be approved by resolution of the Northern Ireland Assembly.

VALID FROM 15/08/2010

144 Treatment of convictions in other member States etc

Schedule 17 contains—

- (a) amendments relating to the treatment of criminal convictions imposed by courts outside England and Wales, and
- (b) amendments relating to the treatment of criminal convictions imposed by courts outside Northern Ireland.

VALID FROM 02/08/2010

145 Transfer to Parole Board of functions under the Criminal Justice Act 1991

- (1) Part 2 of the Criminal Justice Act 1991 (c. 53) (as it continues to apply to persons sentenced for offences committed before 4 April 2005) is amended as follows.
- (2) In section 35 (power to release long-term prisoners), for subsection (1) substitute—

“(1) After a long-term prisoner has served one-half of his sentence, the Secretary of State shall, if recommended to do so by the Board, release him on licence.”
- (3) In section 37 (duration and conditions of licences)—
 - (a) omit subsection (5),
 - (b) after that subsection insert—

“(5A) The Secretary of State shall not include on release, or subsequently insert, a condition in the licence of a long-term prisoner to whom section 35(1) applies, or vary or cancel any such condition, except in accordance with recommendations of the Board.”, and
 - (c) omit subsection (6).
- (4) The reference in subsection (2) above to section 35(1) and the reference in subsection (3)(a) above to section 37(5) each includes a reference to that provision as modified (for certain long-term prisoners) by the Parole Board (Transfer of Functions) Order 1998 (S.I. 1998/3218).

VALID FROM 06/04/2010

146 Retention of knives surrendered or seized (England and Wales)

- (1) The Courts Act 2003 (c. 39) is amended as follows.

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(2) In section 55 (powers to retain articles surrendered or seized), after subsection (3) add—

“(4) This section is subject to section 55A.”

(3) After section 55 insert—

“55A Retention of knives surrendered or seized

(1) This section applies where a knife is surrendered to a court security officer in response to a request under section 54(1) or seized by a court security officer under section 54(2).

(2) Section 55 does not apply.

(3) The knife must be retained in accordance with regulations under subsection (5), unless returned or disposed of in accordance with those regulations or regulations made under section 56.

(4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.

(5) Without prejudice to the generality of section 56, the Lord Chancellor must by regulations make provision as to—

- (a) the procedure to be followed when a knife is retained under this section;
- (b) the making of requests by eligible persons for the return of knives so retained;
- (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.

(6) For the purposes of this section—

“eligible person”, in relation to a knife retained under this section, means—

- (a) the person who has surrendered the knife under section 54(1) or from whom the knife has been seized under section 54(2), or
- (b) any other person specified in regulations made under subsection (5);

“knife” includes—

- (a) a knife-blade, and
- (b) any other article which—
 - (i) has a blade or is sharply pointed, and
 - (ii) is made or adapted for use for causing injury to the person.”

(4) In section 56(2)(a), after “section 55” insert “ or section 55A ”.

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VALID FROM 06/04/2010

147 Retention of knives surrendered or seized (Northern Ireland)

- (1) Schedule 3 to the Justice (Northern Ireland) Act 2004 (c. 4) (court security) is amended in accordance with subsections (2) to (4).
- (2) In paragraph 5 (power to retain articles surrendered or seized), after subparagraph (3) add—
 - “(4) This paragraph is subject to paragraph 5A.”
- (3) After paragraph 5 insert—

“5A Retention of knives surrendered or seized

- (1) This paragraph applies where a knife is surrendered to a court security officer in response to a request under paragraph 4(1) or seized by a court security officer under paragraph 4(2).
- (2) Paragraph 5 does not apply.
- (3) The knife must be retained in accordance with regulations under subparagraph (5), unless returned or disposed of in accordance with those regulations or regulations made under paragraph 6.
- (4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subparagraph (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.
- (5) Without prejudice to the generality of paragraph 6, the Lord Chancellor must by regulations make provision as to—
 - (a) the procedure to be followed when a knife is retained under this paragraph;
 - (b) the making of requests by eligible persons for the return of knives so retained;
 - (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.
- (6) For the purposes of this paragraph—
 - “eligible person”, in relation to a knife retained under this paragraph, means—
 - (a) the person who has surrendered the knife under paragraph 4(1) or from whom the knife has been seized under paragraph 4(2), or
 - (b) any other person specified in regulations made under subparagraph (5);
 - “knife” includes—
 - (a) a knife-blade, and
 - (b) any other article which—
 - (i) has a blade or which is sharply pointed, and

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(ii) is made or adapted for use for causing injury to the person.”

(4) In paragraph 6(2)(a), after “paragraph 5” insert “ or paragraph 5A ”.

(5) In section 21(3) of the Justice (Northern Ireland) Act 2004 (c. 4) (orders and regulations subject to annulment in pursuance of resolution of either House of Parliament) after “1(4)” insert “ , 5A(5) ”.

VALID FROM 18/11/2013

148 Security in tribunal buildings

(1) The Lord Chancellor may, by order—

- (a) authorise or require the Lord Chancellor, or such other person as may be specified, to designate persons as security officers in relation to a specified description of tribunal buildings;
- (b) provide that Part 4 (other than section 51(1)) of the Courts Act 2003 (c. 39) (provisions relating to court security) applies in relation to a specified description of tribunal buildings and security officers designated in relation to tribunal buildings of that description as it applies to court buildings and court security officers, subject to such modifications as may be specified.

(2) The provision which may be included in an order under subsection (1) by virtue of section 176 (power to make consequential provision etc) includes provision modifying any provision made by or under an Act (whenever passed or made).

(3) In this section—

“court building” has the meaning given by section 52(3) of the Courts Act 2003;

“modify” includes amend, add to, repeal or revoke (and modification is to be construed accordingly);

“specified” means specified by an order under subsection (1);

“tribunal buildings” means any building, or part of a building, to which the public have access (other than a court building)—

- (a) where the business of any tribunal mentioned in section 39(1) of the Tribunals, Courts and Enforcement Act 2007 (c. 15) is carried on, or
- (b) where the business of any other tribunal designated by the Lord Chancellor, by order, is carried on.

Status:

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