

*Status: Point in time view as at 06/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Coroners and Justice Act 2009, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 22

#### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART 2

#### CRIMINAL OFFENCES

##### *Commencement of Chapter 1 of Part 2*

- 7 (1) No provision of Chapter 1 of Part 2 affects the operation of—
- (a) any rule of the common law, or
  - (b) any provision of an Act or of subordinate legislation,
- in relation to offences committed wholly or partly before the commencement of the provision in question.
- (2) For the purposes of this paragraph an offence is partly committed before a particular time if—
- (a) a relevant event occurs before that time, and
  - (b) another relevant event occurs at or after that time.
- (3) “Relevant event” in relation to an offence means any act, omission or other event (including any consequence of an act) proof of which is required for conviction of the offence.

##### **Commencement Information**

**I1** Sch. 22 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(a)

##### *Suicide*

- 8 The reference to “aiding, abetting, counselling or procuring suicide” in the following enactments is to be read as including a reference to “an offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) in connection with the death of a person”—
- (a) section 70(4) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
  - (b) section 70(4) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
  - (c) section 48(2) of the Naval Discipline Act 1957 (c. 53).

##### **Commencement Information**

**I2** Sch. 22 para. 8 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

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- 9 Until such time as the following provisions of the Coroners Act 1988 (c. 13) are repealed by this Act, they have effect with the following amendments—
- (a) in section 16(1)(a)(iii) for “consisting of aiding, abetting, counselling or procuring the suicide of the deceased” substitute “(encouraging or assisting suicide) in connection with the death of the deceased”,
  - (b) in section 17(1)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”, and
  - (c) in section 17(2)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”.

#### Commencement Information

**I3** Sch. 22 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 10 (1) In this paragraph—
- “old offence” means an offence under section 2(1) of the Suicide Act 1961 as that section had effect before the section 59 commencement date, or an attempt to commit such an offence;
- “new offence” means an offence under section 2(1) of that Act as that Act is amended by section 59 of this Act.
- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
  - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 59 commencement date, and
  - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 59 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 59 commencement date.
- (4) For this purpose “the section 59 commencement date” means the day appointed under section 182 for the coming into force of section 59.

#### Commencement Information

**I4** Sch. 22 para. 10 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 11 (1) In this paragraph—
- “old offence” means an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) as that section had effect before the section 60 commencement date, or an attempt to commit such an offence;

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“new offence” means an offence under section 13(1) of that Act as that Act is amended by section 60 of this Act.

- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
  - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 60 commencement date, and
  - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 60 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 60 commencement date.
- (4) For this purpose “the section 60 commencement date” means the day appointed under section 182 for the coming into force of section 60.

**Commencement Information**

**I5** Sch. 22 para. 11 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

*Prohibited images of children*

- 12 (1) In section 66(3)(a) in its application in relation to England and Wales the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).
- (2) The Schedules mentioned in subsections (1)(b) and (2)(b) of section 67, as applied by virtue of that section, have effect in relation to property regardless of when it was lawfully seized.

**Commencement Information**

**I6** Sch. 22 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(a)

*Slavery, servitude and forced or compulsory labour*

- 13 In the definition of “the relevant period” in section 71(4), as it extends to England and Wales, the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

**Commencement Information**

**I7** Sch. 22 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(b)

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