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STATUTORY INSTRUMENTS

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**2004 No. 1104 (C. 48 )**

**SUPREME COURT OF ENGLAND AND WALES  
SUPREME COURT OF JUDICATURE  
OF NORTHERN IRELAND**

**The Courts Act 2003 (Commencement No. 5) Order 2004**

*Made* - - - - *4th April 2004*

The Lord Chancellor, in exercise of the powers conferred upon him by section 110 of the Courts Act 2003<sup>(1)</sup> makes the following Order:

**Citation and interpretation**

1. This Order may be cited as the Courts Act 2003 (Commencement No. 5) Order 2004.
2. In this Order a reference to a section or Schedule by number alone means, unless the context otherwise requires, the section or Schedule so numbered in the Courts Act 2003.

**Commencement of provisions of the Courts Act 2003**

3. The following provisions of the Courts Act 2003 come into force on 1st May 2004—
  - (a) section 86 (Alteration of place fixed for Crown Court trial);
  - (b) section 87 (Appeals to Court of Appeal: procedural directions);
  - (c) section 97 (Collection of fines and discharge of fines by unpaid work), in so far as it relates to the provision referred to in sub-paragraph (d);
  - (d) in paragraph 1(2) of Schedule 6 (Discharge of fines by unpaid work), the entries relating to “the prescribed hourly sum” and “regulations”;
  - (e) section 103 (Official Solicitor of Northern Ireland);
  - (f) section 104 (Alteration of place fixed for Crown Court trial: Northern Ireland);
  - (g) section 106 (Fees: Northern Ireland);
  - (h) in Schedule 10 (Repeals), the entries relating to—
    - (i) sections 48(4), 70(2), 73(1), (2) and Schedule 3 of the Judicature (Northern Ireland) Act 1978<sup>(2)</sup>;

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(1) 2003 c. 39.  
(2) 1978 c. 23.

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- (ii) section 76(4) of the Supreme Court Act 1981<sup>(3)</sup>;
- (iii) Schedules 1 and 5 to the Judicial Pensions and Retirement Act 1993<sup>(4)</sup>;
- (iv) section 18(9) of the Justice (Northern Ireland) Act 2002<sup>(5)</sup>; and
- (i) section 109(3) to the extent necessary for those repeals.

Signed by authority of the Lord Chancellor

4th April 2004

*Christopher Leslie*  
Parliamentary Under Secretary  
Department for Constitutional Affairs

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<sup>(3)</sup> 1981 c. 54.  
<sup>(4)</sup> 1993 c. 8.  
<sup>(5)</sup> 2002 c. 26.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the fifth Commencement Order made under the Courts Act 2003 and brings into force on 1st May 2004 various provisions and repeals relating to—

*PART 8 (MISCELLANEOUS)*

Alteration of place fixed for Crown Court trial (section 86); Appeals to Court of Appeal: procedural directions (section 87); Discharge of fines by unpaid work: regulations to prescribe the hourly sum (section 97 and paragraph 1(2) of Schedule 6) Official Solicitor: Northern Ireland (section 103); Alteration of place fixed for Crown Court trial: Northern Ireland (section 104); Fees: Northern Ireland (section 106).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Courts Act 2003 have been, or are to be, brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
section 4	1.6.04	2004/798
section 62	26.1.04	2003/3345
section 63	26.1.04	2003/3345
section 64	26.1.04	2003/3345
section 66 (partially)	26.1.04	2003/3345
section 67	26.1.04	2003/3345
section 68	26.1.04	2003/3345
section 70	26.1.04	2003/3345
section 71	26.1.04	2003/3345
section 74	26.1.04	2003/3345
section 77	26.1.04	2003/3345
section 78	26.1.04	2003/3345
section 81	26.1.04	2003/3345
section 83	26.1.04	2003/3345
section 84	26.1.04	2003/3345
section 93	1.2.04	2004/174
section 95	5.4.04	2004/174
section 96	5.4.04	2004/174

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
section 97 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(partially)	5.4.04	2004/174
section 98 (partially)	26.1.04	2003/3345
section 99	15.3.04	2004/401
section 102	26.1.04	2003/3345
Schedule 1	1.6.04	2004/798
Schedule 5 (partially)	23.2.04	2004/174
(partially)	29.3.04	2004/174
(remainder)	5.4.04	2004/174
Schedule 7	15.3.04	2004/401
Schedule 8 (and section 109(1) insofar as it relates to the paragraphs specified below) paragraphs 288 (partially) and 289	1.2.04	2004/174
paragraphs 5, 9, 61 (partially), 62, 63	15.3.04	2004/401
(partially), 189, 264, 274, 275 and 295—		
298		
Schedule 9 (and section 109(2) insofar as it relates to the paragraph specified below)	23.2.04	2004/174
paragraph 15 (partially)	29.3.04	2004/174
paragraph 15 (partially)	5.4.04	2004/174
paragraph 15 (remainder)		
Schedule 10 (and section 109(3)) (partially)	26.1.04	2003/3345
(partially)	15.3.04	2004/401