

---

STATUTORY INSTRUMENTS

---

**2004 No. 829**

**The Criminal Justice Act 2003 (Commencement  
No.3 and Transitional Provisions) Order 2004**

**2.—**(1) Subject to paragraphs (3) to (6), the provisions of the 2003 Act listed in paragraph (2) shall come into force on 5th April 2004.

(2) The provisions referred to in paragraph (1) are—

- (a) sections 9 (taking fingerprints without consent) and 10 (taking non-intimate samples without consent);
- (b) sections 13, 15(3), 16, 17 and 19 to 21 (bail);
- (c) section 40 (code of practice for police interviews of witnesses notified by accused);
- (d) sections 139 to 141 (use of documents to refresh memory);
- (e) section 174(4) (duty to give reasons for, and explain effect of, sentence);
- (f) section 176 (interpretation of Chapter 1);
- (g) section 321 and Schedule 33 (jury service);
- (h) sections 325 to 327 (arrangements for assessing etc. risks posed by sexual or violent offenders);
- (i) section 331 (further minor and consequential amendments) in so far as it relates to the provisions referred to in sub-paragraph (k);
- (j) section 332 (repeals) in so far as it relates to the provisions referred to in sub-paragraph (l);
- (k) in Part 1 of Schedule 36 (further minor and consequential amendments), paragraphs 1 and 5;
- (l) in Schedule 37 (repeals)—
  - (i) in Part 1, the entry relating to section 63(3)(a) of the Police and Criminal Evidence Act 1984<sup>(1)</sup>;
  - (ii) Part 2, except the references to section 26 of and paragraph 34 of Schedule 10 to the Criminal Justice and Public Order Act 1994<sup>(2)</sup>;
  - (iii) in Part 7, the entry relating to section 91(2) of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(3)</sup>;
  - (iv) Part 10; and
  - (v) in Part 12, the entry relating to the Criminal Justice and Court Services Act 2000<sup>(4)</sup>.

(3) Until the coming into force of sections 14 and 15(1) and (2) of the 2003 Act, section 20 of that Act shall have effect as if—

- (a) in subsection (1)—

---

(1) 1984 c. 60.  
(2) 1994 c. 33.  
(3) 2000 c. 6.  
(4) 2000 c. 43.

- (i) for the words “one or more of paragraphs 2A, 6 and” there were substituted the word “paragraph”; and
  - (ii) paragraphs (a) and (b) of sub-paragraph (2) as inserted into Part 1 of Schedule 1 to the Bail Act 1976<sup>(5)</sup> by section 20(1) were omitted; and
- (b) in subsection (2), for the words from “2(1)” to the end there were substituted “2(1) or 2A, or in deciding whether it is satisfied as mentioned in paragraph 6A”.
- (4) In relation to a summons issued under section 2 of the Juries Act 1974<sup>(6)</sup> before the 5th April 2004, any question as to the eligibility for, disqualification or excusal from, or deferral of jury service of the person summoned is to be determined by reference to the provisions of section 1 of and Schedule 1 to that Act as in force before that date.
- (5) Functions performed under section 67 of the Criminal Justice and Courts Services Act 2000 during the period referred to in section 326(5) of the 2003 Act are to be treated as having been performed under sections 325 and 326 of that Act for the purposes of a report prepared after the commencement of those provisions.
- (6) Until the coming into force of Part 2 of the Sexual Offences Act 2003<sup>(7)</sup> the reference to that provision in section 327(2) of the 2003 Act is to be treated as a reference to Part I of the Sex Offenders Act 1997.

---

(5) 1976 c. 63.  
(6) 1974 c. 23.  
(7) 2003 c. 42.