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STATUTORY INSTRUMENTS

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**2009 No. 2775 (C. 121)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003  
(Commencement No. 22) Order 2009**

*Made - - - - 15th October 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 336(3) of the Criminal Justice Act 2003<sup>(1)</sup>:

**Citation**

1. This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 22) Order 2009.

**Provisions commenced**

2. Section 27 of the Criminal Justice Act 2003 Act comes into force on 16th November 2009 to the extent not already in force.

Signed by the authority of the Secretary of State

15th October 2009

*Claire Ward*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## EXPLANATORY NOTE

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

Conditional cautions are cautions to which specified conditions are attached, and are provided for in Part 3 of the [Criminal Justice Act 2003 Act \(c. 44\)](#). A conditional caution may be given for reasons including that a prosecutor considers there is sufficient evidence to prosecute the offender and the offender admits the offence and agrees to a conditional caution being imposed.

This Order brings into force on 16 November 2009 the remaining provisions of section 27 of the Criminal Justice Act 2003 defining “relevant prosecutor” for the purposes of Part 3. The effect of this is to add further persons to the class of “relevant prosecutor”.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 4, 6 to 8, 11 and 12 and Schedule 1 (amendments of Police and Criminal Evidence Act 1984)	20.1.2004	<a href="#">2004/81</a>
Section 3 (arrestable offences)	29.1.2004	<a href="#">2004/81</a>
Section 5 (partially)(drug testing for under-eighteens);	1.8.2004	<a href="#">2004/1867</a>
Section 5 to the extent not already in force	1.12.2005	<a href="#">2005/3055</a>
Section 9 (taking fingerprints without consent)	5.4.2004	<a href="#">2004/829</a>
Section 10 (taking non-intimate samples without consent)	5.4.2004	<a href="#">2004/829</a>
Sections 13, 15(3), 16, 17, 18, 19 to 21 (bail)	5.4.2004	<a href="#">2004/829</a>
	4.4.2005	<a href="#">2005/950</a>
	3.7.2004	<a href="#">2004/1629</a>
Sections 14 (offences committed while on bail) and 15(1) and (2) (failure to surrender by persons released on bail) for the purposes only of any offence) (partially) and paragraph 3 of Schedule 36 (minor and consequential).	1.1.2007	<a href="#">2006/3217</a>
Sections 22 to 24 (conditional cautions)	3.7.2004	<a href="#">2004/1629</a>
Section 25 (conditional cautions, code of practice)	29.1.2004	<a href="#">2004/81</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 26 and 27 (partially)(conditional cautions)	3.7.2004	2004/1629
Section 28 and Schedule 2 and section 31 (charging etc)	29.1.2004	2004/81
	3.7.2004	2004/1629
	1.10.2007	2007/284
Sections 29 and 30 (new method of instituting proceedings)(partially)	25.7.2007	2007/1999
	9.6.2008	2008/1424
Sections 32, 33(2), 36 to 38 and 39 (disclosure)	4.4.2005	2005/950
	15.7.2005	2005/1817
Section 33(1) (partially)	24.7.2006	2006/1835
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 41 (allocation of offences triable either way)(partially) and Schedule 3 (partially)	4.4.2005	2005/950
	9.5.2005	2005/1267
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	22.1.2004	2004/81
Section 44 (jury tampering), 45 (procedure for applications), 46 (discharge of jury because of jury tampering), 47 (appeals), 48 (partially)	24.7.2006	2006/1835
Section 49 (rules of court)	29.1.2004	2004/81
Section 50 (partially)	8.1.2007	2006/3422
Section 55 (rules of court)	9.1.2004	2004/81
Sections 51, 52, 54 and 56 (live links) (partially)	7.12.2007	2007/3451
Sections 57 to 61, 67 to 74 (prosecution appeals)	29.1.2004	2004/81
	4.4.2005	2005/950
Sections 75 to 96 and Schedule 5 (retrial for sexual offences)	29.1.2004	2004/81
	18.4.2005	
Section 97 (application of Criminal Appeal Acts)	7.3.2005	2005/373
Sections 98 to 113 and Schedule 6 (evidence of bad character)	29.1.2004	2004/81
	15.12.2004	2004/3033
	1.1.2005	

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Sections 114 to 136 (hearsay evidence) and Schedule 7 (hearsay evidence: armed forces)	4.4.2005	<a href="#">2005/950</a>
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	<a href="#">2004/829</a>
Sections 142 to 150, 152, 153, 156 to 160; 162 to 166	7.3.2005	<a href="#">2005/373</a>
	4.4.2005	<a href="#">2005/950</a>
Sections 167 and 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	27.2.2004	<a href="#">2004/81</a>
Section 174 (duty to give reasons for, and explain effect of, sentence)	5.4.2004	<a href="#">2004/829</a>
	4.4.2005	<a href="#">2005/950</a>
Section 175 (duty to publish information about sentencing)	4.4.2005	<a href="#">2005/950</a>
Section 176 (interpretation of Chapter 1)	5.4.2004	<a href="#">2004/829</a>
Sections 177, 179 and 180 (community orders) and Schedule 8 (breach, revocation or amendment of community order) and Schedule 9 (transfer of community orders to Scotland or Northern Ireland)(all partially and subsequently all for remaining purposes)	4.4.2005	<a href="#">2005/950</a>
Section 178 (power to provide for court review of community orders)	7.3.2005	<a href="#">2005/373</a>
Sections 182 to 187 and Schedule 10 (prison sentences of less than 12 months)(all partially)	26.1.2004	<a href="#">2003/3282</a>
Sections 189 to 194 (suspended sentences);	4.4.2005	<a href="#">2005/950</a>
Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) and Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).		
Sections 195, 196 (partially), 197 to 203, 204	26.1.2004	<a href="#">2003/3282</a>
(partially), 205 to 212, 213 (partially), 214,	7.3.2005	<a href="#">2005/373</a>
215, 216 (partially), 217 to 220 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3).	4.4.2005	<a href="#">2005/950</a>
Sections 224 to 236 (dangerous offenders);	4.4.2005	<a href="#">2005/950</a>
Schedule 15 (specified offences for the purposes of Chapter 5 of Part 12); Schedule 16 (Scottish offences specified for the purposes		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
of section 229(4)); Schedule 17 (Northern Ireland offences specified for the purposes of section 229(4)) and Schedule 18 (release of prisoners serving sentences of imprisonment or detention for public protection)		
Sections 237 to 243 (release on licence:	26.1.2004	<a href="#">2003/3282</a>
preliminary), 244 (partially) and 245 to 249,	7.3.2005	<a href="#">2005/373</a>
250 to 251 (partially), 252 to 256, 257	4.4.2005	<a href="#">2005/950</a>
(partially), 258 to 261, 263, 264 (partially), 265, 267 to 268 (release on licence) and Schedule 19 (parole board: supplementary provisions)		
Section 262 and Schedule 20 (prisoners liable to removal from the United Kingdom: modifications of Criminal Justice Act 1991)	14.6.2004	<a href="#">2004/829</a>
Section 278 and Schedule 23 (deferment of sentence)	4.4.2005	<a href="#">2005/950</a>
Section 279 and Schedule 24 (drug treatment and testing requirement in action plan order or supervision order)(partially)	1.12.2004	<a href="#">2004/3033</a>
Section 284 and Schedule 28 (increase in penalties for drug-related offences)	29.1.2004	<a href="#">2004/81</a>
Section 285 (increase in penalties for certain driving-related offences)	27.2.2004	<a href="#">2004/81</a>
Section 286 (increase in penalties for offences under section 174 of the Road Traffic Act 1988)	29.1.2004	<a href="#">2004/81</a>
Sections 287 to 293 (firearms offences) and Schedule 29 (sentencing for firearms offences in Northern Ireland)	22.1.2004	<a href="#">2004/81</a>
Sections 294 to 297 (offenders transferred to mental hospital)	20.1.2004	<a href="#">2004/81</a>
Section 299 and Schedule 30 (disqualification from working with children)	1.5.2004	<a href="#">2004/829</a>
Section 300 and Schedule 31 (default orders) (partially)	7.3.2005	<a href="#">2005/373</a>
Section 301 (fine defaulters: driving disqualification)(partially)	7.3.2005	<a href="#">2005/373</a>
Section 302 (execution of process between	26.1.2004	<a href="#">2003/3282</a>

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England and Wales and Scotland)	4.4.2005	2005/950
Section 303 (sentencing: repeals)(partially)	4.4.2005	2005/950
Section 304 and Schedule 32 (amendments relating to sentencing)(partially)	26.1.2004	2003/3282
	22.1.2004	2004/81
	4.4.2005	2005/950
Section 305 (interpretation of Part 12)	26.1.2004	2003/3282
	4.4.2005	2005/950
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
Section 307 (enforcement of regulations)	21.7.2005	2005/1817
Sections 308 to 312 (miscellaneous provisions about criminal proceedings)	4.4.2005	2005/950
Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 315 (appeals following reference by the Criminal Cases Review Commission)	4.4.2005	2005/950
Sections 316 and 317 (power to substitute conviction of alternative offence on appeal in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 318 (substitution of conviction on different charge on appeal from court-martial)	1.9.2004	2004/1629
Section 319 (appeals against sentence in England and Wales)	4.4.2005	2005/950
Section 320 (offence of outraging public decency triable either way)	20.1.2004	2004/81
Section 321 and Schedule 33 (jury service)	5.4.2004	2004/829
Sections 322 and 323 (individual support orders)	1.5.2004	2004/829
Section 324 and Schedule 34 (parenting orders and referral orders)	27.2.2004	2004/81
Sections 325 to 327 (arrangements for assessing etc risks posed by sexual or violent offenders)	5.4.2004	2004/829
Section 328 and Schedule 35 (criminal record certificates: amendments of Part 5 of the Police Act 1997)(partially)	29.1.2004	2004/81
	14.3.2006	2006/751
	1.4.2008	2008/694

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 329 (civil proceedings brought by offenders)	20.1.2004	2004/81
Section 331 and Schedule 36 (further minor and consequential amendments)(partially)	5.4.2004	2004/829
	1.9.2004	2004/1629
	15.12.2004	2004/3033
	1.1.2005	2005/950
	4.4.2005	2005/1817
	15.7.2005	2006/1835
	24.7.2006	2006/3422
	8.1.2007	2007/2874
	1.10.2007	
Section 332 and Schedule 37 (repeals (partially))	20.1.2004	2004/81
	29.1.2004	2004/829
	27.2.2004	2004/3033
	5.4.2004	2005/950
	15.12.2004	2005/1817
	4.4.2005	2006/751
	15.7.2005	
	14.3.2006	
Section 333 and Schedule 38 (supplementary and consequential provision, etc.)(partially)	27.2.2004	2004/81
	4.4.2005	2005/950