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STATUTORY INSTRUMENTS

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**2013 No. 1104 (C. 47)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Coroners and Justice Act 2009  
(Commencement No. 13) Order 2013**

*Made* - - - - *7th May 2013*

The Secretary of State makes the following Order in exercise of the power conferred by section 182(5) of the Coroners and Justice Act 2009<sup>(1)</sup>:

**Citation**

1. This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 13) Order 2013.

**Appointed day**

2. The following provisions of the Coroners and Justice Act 2009 come into force on 28th May 2013—

- (a) section 144 (treatment of convictions in other member States etc), so far as it relates to the provisions specified in sub-paragraph (b);
- (b) paragraphs 4 and 5 of Schedule 17 (treatment of convictions in other member States etc).

Signed by the authority of the Secretary of State

7th May 2013

*Damian Green*  
Minister of State  
Ministry of Justice

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## EXPLANATORY NOTE

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

This Order brings into force paragraphs 4 and 5 of Schedule 17 to the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”) on 28th May 2013.

Schedule 17 to the 2009 Act implements Framework Decision 2008/675/JHA on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings. Article 3(1) of that Framework Decision requires that, in the course of criminal proceedings against a person, previous convictions in other European Union Member States are taken into account to the same extent as previous convictions in domestic courts. The provisions that this Order brings into force achieve this in relation to the allocation procedure contained in Schedule 3 to the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

Paragraph 4 of Schedule 17 to the 2009 Act amends section 19 of the Magistrates’ Courts Act 1980 (c. 43), that section having been substituted by paragraph 5 of Schedule 3 to the 2003 Act. The effect of this amendment is that when a magistrates’ court is considering whether an either way offence appears to it more suitable for summary trial or trial on indictment and the court is informed by the prosecution of the accused’s previous convictions, those convictions are to include previous convictions in another European Union Member State.

Paragraph 5 of Schedule 17 to the 2009 Act amends paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (c. 37), that paragraph having been amended by paragraph 20 of Schedule 3 to the 2003 Act. This amendment will apply when a case is sent to the Crown Court, but the indictment has subsequently been amended so as to remove the indictable only offence that had required the case to be sent. The effect of the amendment is that when the Crown Court is considering whether any remaining either way offences on the charge are more suitable for summary trial or trial on indictment and it is informed by the prosecution of the accused’s previous convictions, those convictions are to include previous convictions in another European Union Member State.

These provisions are being brought into force on 28th May 2013 to coincide with the full commencement of most of the provisions of Schedule 3 to the 2003 Act. Those provisions in the 2003 Act implement the new procedure for deciding on the allocation of either way offences to the magistrates’ court or to the Crown Court.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Coroners and Justice Act 2009 (c. 25) have been 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 12       | 24.09.2012                  | 2012/2374       |
| Section 35       | 01.02.2010                  | 2010/145        |
| Section 50       | 24.09.2012                  | 2012/2374       |
| Section 52       | 04.10.2010                  | 2010/816        |
| Section 53       | 01.06.2011                  | 2011/182 (N.I.) |

| <i>Provision</i>             | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------------|-----------------------------|-----------------|
| Section 54 to 55 (partially) | 04.10.2010                  | 2010/816        |
| (fully in force)             | 01.06.2011                  | 2011/182 (N.I.) |
| Section 56 (partially)       | 04.10.2010                  | 2010/816        |
|                              | 01.06.2011                  | 2011/182 (N.I.) |
| Section 57                   | 04.10.2010                  | 2010/816        |
| Section 58                   | 01.06.2011                  | 2011/182 (N.I.) |
| Sections 59 to 61            | 01.02.2010                  | 2010/145        |
| Sections 62 to 71            | 06.04.2010                  | 2010/816        |
| Section 72                   | 01.02.2010                  | 2010/145        |
| Section 74 (partially)       | 06.04.2010                  | 2010/816        |
| (fully in force)             | 18.04.2011                  | 2011/182 (N.I.) |
| Section 75 (partially)       | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
|                              | 02.05.2011                  | 2011/1122       |
| Section 76 (partially)       | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
| Section 77 (partially)       | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
|                              | 02.05.2011                  | 2011/1122       |
| Section 78 (partially)       | 06.04.2010                  | 2010/816        |
| (fully in force)             | 18.04.2011                  | 2011/182 (N.I.) |
| Section 79 to 80 (partially) | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
| Section 81 (partially)       | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
|                              | 02.05.2011                  | 2011/1122       |
| Section 82 (partially)       | 06.04.2010                  | 2010/816        |
| (fully in force)             | 18.04.2011                  | 2011/182 (N.I.) |
| Section 83 (partially)       | 06.04.2010                  | 2010/816        |
|                              | 18.04.2011                  | 2011/182 (N.I.) |
| Section 84                   | 06.04.2010                  | 2010/816        |
| Section 85 (partially)       | 06.04.2010                  | 2010/816        |
| (fully in force)             | 18.04.2011                  | 2011/182 (N.I.) |

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| <i>Provision</i>        | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------|-----------------------------|-----------------|
| Sections 98 to 103      | 27.06.2011                  | 2011/1452       |
| Section 105             | 27.06.2011                  | 2011/1452       |
| Section 106 (partially) | 14.12.2009                  | 2009/3253       |
|                         | 03.10.2011                  | 2011/2148       |
|                         | 08.10.2012                  | 2012/2374       |
| Section 107 (partially) | 14.12.2009                  | 2009/3253       |
|                         | 03.10.2011                  | 2011/2148       |
|                         | 08.10.2012                  | 2012/2374       |
| Section 108 (partially) | 14.12.2009                  | 2009/3253       |
|                         | 03.10.2011                  | 2011/2148       |
|                         | 08.10.2012                  | 2012/2374       |
| Section 109 to 110      | 14.12.2009                  | 2009/3253       |
| Section 111             | 27.06.2011                  | 2011/1452       |
| Section 112             | 01.02.2010                  | 2010/145        |
| Section 113             | 06.04.2010                  | 2010/816        |
| Section 114 to 115      | 01.02.2010                  | 2010/145        |
| Section 117             | 07.08.2012                  | 2012/1810       |
|                         | 22.04.2013                  | 2013/705        |
| Section 118 (partially) | 01.02.2010                  | 2010/145        |
| (fully in force)        | 06.04.2010                  | 2010/816        |
| Section 119 to 136      | 06.04.2010                  | 2010/816        |
| Section 139             | 12.01.2010                  | 2010/28         |
| Sections 140 to 141     | 01.02.2010                  | 2010/145        |
| Section 142             | 31.01.2010                  | 2010/145        |
| Section 144 (partially) | 15.08.2010                  | 2010/1858       |
|                         | 18.04.2011                  | 2011/182 (N.I.) |
| Section 145             | 02.08.2010                  | 2010/1858       |
| Section 146 to 147      | 06.04.2010                  | 2010/816        |
| Section 149 to 150      | 01.02.2010                  | 2010/145        |
| Section 153             | 01.02.2010                  | 2010/145        |
| Section 155 to 172      | 06.04.2010                  | 2010/816        |
| Section 173 (partially) | 01.02.2010                  | 2010/145        |
| (fully in force)        | 06.04.2010                  | 2010/816        |

| <i>Provision</i>        | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------|-----------------------------|-----------------|
| Section 174             | 01.02.2010                  | 2010/145        |
| Section 175 (partially) | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
| Section 177 (partially) | 12.01.2010                  | 2010/28         |
|                         | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
|                         | 04.10.2010                  | 2010/816        |
|                         | 02.08.2010                  | 2010/1858       |
|                         | 15.08.2010                  | 2010/1858       |
|                         | 18.04.2011                  | 2011/182 (N.I.) |
|                         | 27.06.2011                  | 2011/1452       |
| Section 178 (partially) | 31.01.2010                  | 2010/145        |
|                         | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
|                         | 04.10.2010                  | 2010/816        |
|                         | 02.08.2010                  | 2010/1858       |
|                         | 15.08.2010                  | 2010/1858       |
|                         | 01.06.2011                  | 2011/182 (N.I.) |
|                         | 27.06.2011                  | 2011/1452       |
|                         | 03.10.2011                  | 2011/2148       |
|                         | 08.10.2012                  | 2012/2374       |
|                         | 12.02.2013                  | 2013/250        |
| Section 180             | 01.02.2010                  | 2010/145        |
| Schedule 3 (partially)  | 12.02.2013                  | 2013/250        |
| Schedule 8              | 01.02.2010                  | 2010/145        |
| Schedule 12             | 01.02.2010                  | 2010/145        |
| Schedule 13             | 06.04.2010                  | 2010/816        |
| Schedule 14             | 27.06.2011                  | 2011/1452       |
| Schedule 15 (partially) | 01.02.2010                  | 2010/145        |
| (fully in force)        | 06.04.2010                  | 2010/816        |
| Schedule 17 (partially) | 15.08.2010                  | 2010/1858       |
|                         | 18.04.2011                  | 2011/182 (N.I.) |
| Schedule 19             | 06.04.2010                  | 2010/816        |
| Schedule 20 (partially) | 01.02.2010                  | 2010/145        |

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|-------------------------|-----------------------------|-----------------|
|                         | 06.04.2010                  | 2010/816        |
| Schedule 21 (partially) | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
|                         | 04.10.2010                  | 2010/816        |
|                         | 27.06.2011                  | 2011/1452       |
| Schedule 22 (partially) | 12.01.2010                  | 2010/28         |
|                         | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
|                         | 02.08.2010                  | 2010/1858       |
|                         | 15.08.2010                  | 2010/1858       |
|                         | 18.04.2011                  | 2011/182 (N.I.) |
|                         | 27.06.2011                  | 2011/1452       |
| Schedule 23 (partially) | 31.01.2010                  | 2010/145        |
|                         | 01.02.2010                  | 2010/145        |
|                         | 06.04.2010                  | 2010/816        |
|                         | 04.10.2010                  | 2010/816        |
|                         | 02.08.2010                  | 2010/1858       |
|                         | 15.08.2010                  | 2010/1858       |
|                         | 01.06.2011                  | 2011/182 (N.I.) |
|                         | 27.06.2011                  | 2011/1452       |
|                         | 03.10.2011                  | 2011/2148       |
|                         | 08.10.2012                  | 2012/2374       |