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STATUTORY INSTRUMENTS

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**2008 No. 2712 (C. 118)**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, NORTHERN IRELAND  
CRIMINAL PROCEDURE,  
ENGLAND AND WALES  
CRIMINAL PROCEDURE, NORTHERN IRELAND  
MAGISTRATES' COURTS,  
ENGLAND AND WALES  
POLICE, ENGLAND AND WALES  
ANTI-SOCIAL BEHAVIOUR,  
ENGLAND AND WALES**

The Criminal Justice and Immigration Act 2008  
(Commencement No. 3 and Transitional Provisions) Order 2008

*Made* - - - - *13th October 2008*

The Lord Chancellor and Secretary of State, in exercise of the powers conferred on the Lord Chancellor by section 153(4), and on the Secretary of State by section 153(7) of the Criminal Justice and Immigration Act 2008(1), makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Immigration Act 2008 (Commencement No. 3 and Transitional Provisions) Order 2008.

(2) In this Order, “the 2008 Act” means the Criminal Justice and Immigration Act 2008.

### **Appointed Dates**

2. Subject to articles 3 and 4, the date appointed for the coming into force of the provisions of the 2008 Act specified in the Schedule is 3<sup>rd</sup> November 2008.

### **Transitional and saving provisions**

3. The coming into force of section 60 of the 2008 Act is of no effect—

- (a) in relation to offences into which a criminal investigation within the meaning of section 1(4) of the Criminal Procedure and Investigations Act 1996(2), has begun, in England and Wales, before 4<sup>th</sup> April 2005 or, in Northern Ireland, before 15<sup>th</sup> July 2005: and
- (b) in relation to a case to which Part 1 of the Criminal Procedure and Investigations Act 1996 applies by virtue of section 1(1) or (2) of that Act before 3<sup>rd</sup> November 2008.

4.—(1) The Police Act 1996(3) and the Police Reform Act 2002(4) shall continue to apply in relation to specified matters as if the amendments in paragraphs 3, 4, 7 and 8 of Schedule 22 and in paragraphs 5, 12(4) and 19 of Schedule 23 to the 2008 Act had not been made.

(2) In this article, “specified matters” means—

- (a) conduct by a police officer which may be or is being dealt with under the Police (Conduct) Regulations 2004(5);
- (b) conduct by a police officer which may be or is being dealt with under the Police (Complaints and Misconduct) Regulations 2004(6) as they are in force on the date this Order is made;
- (c) performance or attendance by a member of a police force which may be or is being dealt with under the Police (Efficiency) Regulations 1999(7); or
- (d) anything which may be or is being dealt with under the Police Appeals Tribunals Rules 1999(8).

Signed by the authority of the Lord Chancellor and Secretary of State.

13th October 2008

*Maria Eagle*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(2) 1996 c. 25.

(3) 1996 c. 16.

(4) 2002 c. 30.

(5) S.I. 2004/645, as amended by S.I. 2006/594.

(6) S.I. 2004/643, as amended by S.I. 2005/3311, 2005/3389, 2006/594 and 2006/1406.

(7) S.I. 1999/732, as amended by S.I. 2003/528 and S.I. 2003/2600.

(8) S.I. 1999/818, as amended by S.I. 2003/2597 and 2006/594.

## SCHEDULE

Article 2

### Provisions coming into force on 3rd November 2008

1. Section 21(1) and (3) to (7) (Credit for period of remand on bail: terms of imprisonment and detention).
2. Section 22 (Credit for period of remand on bail: other cases).
3. Section 23 (Credit for period of remand on bail: transitional provisions).
4. Section 33(1), (3), (5) and (6) (Removal under Criminal Justice Act 1991).
5. Section 34(1), (3), (4)(a), (5), (6), (8) and (9) (Removal under Criminal Justice Act 2003), save insofar as subsection (6) provides that section 260(3A) of the Criminal Justice Act 2003 ceases to have effect.
6. Section 41 (Disclosure of information for enforcing fines).
7. Section 51 (Bail conditions: electronic monitoring).
8. Section 60 (Contents of an accused's defence statement).
9. Section 126(1) (Police misconduct and performance procedures) insofar as it relates to the provisions specified in paragraph 16.
10. Section 127 (Investigation of complaints of police misconduct etc.) insofar as it relates to the provisions specified in paragraph 17.
11. Section 129 (Inspection of police authorities).
12. Section 148(1) (Consequential etc. amendments and transitional and saving provision) insofar as it relates to the provisions specified in paragraph 18.
13. Section 149 (Repeals and revocations) insofar as it relates to the provisions specified in paragraph 19.
14. Schedule 6 (Credit for period of remand on bail: transitional provisions).
15. Schedule 11 (Electronic monitoring of persons released on bail subject to conditions).
16. In Part 1 of Schedule 22 (Police misconduct and performance procedures)—
  - (a) paragraphs 1 and 2;
  - (b) paragraphs 3, 4, and 7 for the purposes of making regulations; and
  - (c) paragraph 8 for the purpose of making rules.
17. In Schedule 23 (Investigation of complaints of police misconduct etc.)—
  - (a) paragraphs 1 to 3 and 12(1); and
  - (b) paragraphs 5, 12(4) and 19 for the purpose of making regulations.
18. In Schedule 26 (Minor and consequential amendments)—
  - (a) paragraph 5 (Children and Young Persons Act 1969 (c.54)),
  - (b) paragraph 29(3), (4), (6) and (7) (Criminal Justice Act 1991 (c.53)),
- 19.—(1) The following entries in Schedule 28 (Repeals and revocations).  
(2) In Part 2 (Sentencing), the entries relating to the—
  - (a) Criminal Justice Act 1991, section 46A; and
  - (b) Criminal Justice Act 2003, section 260(3) and (6).

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- (3) In Part 4 (Other criminal justice provisions), the entries relating to the—
- (a) Children and Young Persons Act 1969 (c.54), section 23AA(4)(a); and
  - (b) Bail Act 1976 (c.63), section 3AA(6) to (10) and (12).

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### EXPLANATORY NOTE

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

This Order brings into force the provisions of the Criminal Justice and Immigration Act 2008 (c.4) set out in Schedule 1 on 3rd November 2008. Article 3 contains transitional and saving provisions in relation to the coming into force of section 60 of the Act. Article 4 contains saving provisions in relation to the amendments to the police misconduct and performance procedures and the investigation of complaints of police misconduct etc.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Criminal Justice and Immigration Act 2008 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10	14 July 2008	2008/1586
Section 11 (partially)	14 July 2008	2008/1586
Section 12	14 July 2008	2008/1586
Section 13	14 July 2008	2008/1586
Section 14	14 July 2008	2008/1586
Section 15	14 July 2008	2008/1586
Section 16	14 July 2008	2008/1586
Section 17	14 July 2008	2008/1586
Section 18	14 July 2008	2008/1586
Section 20	14 July 2008	2008/1586
Section 24	14 July 2008	2008/1586
Section 25	14 July 2008	2008/1586
Section 26 (partially)	9 June 2008	2008/1466
Section 27	14 July 2008	2008/1586
Section 28	14 July 2008	2008/1586
Section 29 (partially)	14 July 2008	2008/1586

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 30	14 July 2008	2008/1586
Section 31	14 July 2008	2008/1586
Section 32	14 July 2008	2008/1586
Section 38	14 July 2008	2008/1586
Section 40	14 July 2008	2008/1586
Section 42	14 July 2008	2008/1586
Section 43	14 July 2008	2008/1586
Section 44	14 July 2008	2008/1586
Section 45	14 July 2008	2008/1586
Section 46 (partially)	14 July 2008	2008/1586
Section 47	14 July 2008	2008/1586
Section 52	14 July 2008	2008/1586
Section 54	14 July 2008	2008/1586
Section 55	14 July 2008	2008/1586
Section 56	14 July 2008	2008/1586
Section 57	14 July 2008	2008/1586
Section 58	14 July 2008	2008/1586
Section 59	14 July 2008	2008/1586
Section 72	14 July 2008	2008/1586
Section 73	14 July 2008	2008/1586
Section 76	14 July 2008	2008/1586
Section 93	14 July 2008	2008/1586
Section 94	14 July 2008	2008/1586
Section 95	14 July 2008	2008/1586
Section 96	14 July 2008	2008/1586
Section 97	14 July 2008	2008/1586
Section 126 (partially)	14 July 2008	2008/1586
Section 140	14 July 2008	2008/1586
Section 141	14 July 2008	2008/1586
Section 142	14 July 2008	2008/1586
Section 148 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
Section 149 (partially)	14 July 2008	2008/1586

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 5	14 July 2008	2008/1586
Schedule 8	14 July 2008	2008/1586
Schedule 12	14 July 2008	2008/1586
Schedule 15	14 July 2008	2008/1586
Schedule 22 (partially)	14 July 2008	2008/1586
Schedule 24	14 July 2008	2008/1586
Schedule 26 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
Schedule 27 (partially)	9 June 2008	2008/1586
(partially)	14 July 2008	2008/1586
Schedule 28 (partially)	14 July 2008	2008/1586