



Domestic Violence, Crime and Victims Act 2004

CHAPTER 28

DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004

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SCHEDULES
SCHEDULE 1 — Modification of sections 17 to 20 for Northern Ireland

- 1 For section 18 substitute— Procedure for applications under section 17...
- 2 In section 19(3) after “enactment” insert “(including any provision of...
- 3 In section 19(4)(b) for the words from “section” to “etc)”...
- 4 In section 19(5) for “section 18(2) of the Criminal Appeal...
- 5 For section 19(7) substitute— (7) Nothing in this section or...
- 6 For section 20(2) substitute— (2) Without limiting subsection (1), rules...
- 7 In section 20(3)— (a) after “section” insert “or section 18(1)(b)”;

SCHEDULE 2 — Supervision orders on finding of insanity or unfitness to plead etc**SCHEDULE 3 — Unfitness to stand trial and insanity: courts-martial etc**

- 1 Army Act 1955 (3 & 4 Eliz. 2 c. 18) and Air Force Act 1955 (3 & 4 Eliz. 2 c. 19)
- 2 In section 225(1) of the Army Act 1955 and in...
- 3 Naval Discipline Act 1957 (c. 53)
- 4 In the proviso to section 56(3) of that Act (court-martial...
- 5 In section 135(1) of that Act (general provisions as to...
- 6 Courts-Martial (Appeals) Act 1968 (c. 20)
- 7 For section 16 substitute— Substitution of finding of insanity or...
- 8 In section 21 (appeal against finding of not guilty by...
- 9 In section 22 (consequences where appeal under section 21 allowed),...
- 10 For section 23 substitute— Substitution of findings of unfitness to...
- 11 (1) Section 24 (appeal against finding of unfitness to stand...
- 12 For section 25 substitute— Disposal of appeal under s. 24...
- 13 After that section insert— Appeal against order made in cases...
- 14 (1) Section 57 (interpretation) is amended as follows.
- 15 (1) Schedule 3 (modifications in relation to prisoners of war)...

SCHEDULE 4 — Powers of authorised officers executing warrants**SCHEDULE 5 — Procedure on breach of community penalty etc**

- 1 Interpretation
- 2 Detention and training orders
- 3 Suspended sentence supervision orders
- 4 Community orders under the Sentencing Act
- 5 Curfew orders and exclusion orders

- 6 Attendance centre orders
- 7 Community orders under the 2003 Act
- 8 Suspended sentence orders under the 2003 Act
- 9 In Schedule 13 to the 2003 Act (transfer of suspended...
- 10 Local justice areas

SCHEDULE 6 — Intermittent custody

- 1 The Criminal Justice Act 2003 (c. 44) is amended as...
- 2 In section 244 (duty to release prisoners), in subsection (3)—...
- 3 In section 246 (power to release prisoners on licence before...
- 4 In section 249 (duration of licence), at the end of...
- 5 In section 250 (licence conditions), in subsection (7), for “and...
- 6 In section 264 (consecutive terms), in subsection (1), after paragraph...
- 7 After that section insert— Consecutive terms: intermittent custody (1)
This section applies where— (a) a person (“the offender”)...

SCHEDULE 7 — Investigations by Parliamentary Commissioner

- 1 The Parliamentary Commissioner Act 1967 (c. 13) is amended as...
- 2 (1) Section 5 (matters subject to investigation) is amended as...
- 3 (1) Section 7 (procedure in respect of investigations) is amended...
- 4 (1) Section 8 (evidence) is amended as follows.
- 5 (1) Section 10 (reports by Commissioner) is amended as follows....
- 6 In section 12(1) (interpretation) for the definition of “person aggrieved”...

SCHEDULE 8 — Commissioner for Victims and Witnesses

- 1 Deputy Commissioner
- 2 Terms of appointment
- 3 Staff
- 4 Delegation
- 5 Pensions
- 6 Finance
- 7 Accounts
- 8 Annual plan
- 9 Annual report
- 10 Disqualification Acts
- 11 Meaning of “financial year”

SCHEDULE 9 — Authorities within Commissioner’s remit

- 1 Government departments
- 2 The Department for Education and Skills.
- 3 The Department of Health.
- 4 The Department of Trade and Industry.
- 5 The Department for Transport.
- 6 The Department for Work and Pensions.
- 7 The Foreign and Commonwealth Office.
- 8 The Home Office.
- 9 The Office of the Deputy Prime Minister.
- 10 Customs and Excise
- 11 Police forces etc
- 12 The Serious Fraud Office.
- 13 The National Criminal Intelligence Service.
- 14 The National Crime Squad.

- 15 The force of constables appointed under section 53 of the...
- 16 The Ministry of Defence Police.
- 17 Criminal injuries compensation
- 18 The Criminal Injuries Compensation Authority.
- 19 Health and safety
- 20 The Health and Safety Executive.
- 21 Legal services
- 22 Court administration
- 23 Criminal justice system
- 24 The Crown Prosecution Service.
- 25 A local probation board established under section 4 of the...
- 26 The Parole Board.
- 27 The Prison Service.
- 28 The Youth Justice Board for England and Wales.
- 29 A youth offending team established under section 39 of the...
- 30 Maritime and coastguards

SCHEDULE 10 — Minor and consequential amendments

- 1 Colonial Prisoners Removal Act 1884 (c. 31)
- 2 Children and Young Persons Act 1933 (c. 12)
- 3 Criminal Procedure (Insanity) Act 1964 (c. 84)
- 4 Criminal Appeal Act 1968 (c. 19)
- 5 In section 37 of that Act (detention of defendant on...
- 6 In section 51 of that Act (interpretation), in subsection (2A),...
- 7 Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))
- 8 Juries Act 1974 (c. 23)
- 9 Rehabilitation of Offenders Act 1974 (c. 53)
- 10 Magistrates' Courts Act 1980 (c. 43)
- 11 In section 139 of that Act (disposal of sums adjudged...
- 12 Criminal Appeal (Northern Ireland) Act 1980 (c. 47)
- 13 In section 19(1A)(a) of that Act (legal aid), after “appeal...
- 14 Supreme Court Act 1981 (c. 54)
- 15 In section 81 of that Act (power of Crown Court...
- 16 Criminal Justice Act 1982 (c. 48)
- 17 Representation of the People Act 1983 (c. 2)
- 18 Mental Health Act 1983 (c. 20)
- 19 In section 69 of that Act (application to tribunals concerning...
- 20 In section 71 of that Act (references by Home Secretary...
- 21 In section 79 of that Act (interpretation of Part 5),...
- 22 In section 84 of that Act (removal to England and...
- 23 (1) Schedule 5 to that Act (transitional and saving provisions)...
- 24 Police and Criminal Evidence Act 1984 (c. 60)
- 25 Prosecution of Offences Act 1985 (c. 23)
- 26 Coroners Act 1988 (c. 13)
- 27 In section 17 of that Act (coroner to be informed...
- 28 Criminal Justice Act 1988 (c. 33)
- 29 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 30 Criminal Justice Act 1991 (c. 53)
- 31 Criminal Appeal Act 1995 (c. 35)
- 32 In section 10 of that Act (which makes equivalent provision...
- 33 Law Reform (Year and a Day Rule) Act 1996 (c. 19)
- 34 Family Law Act 1996 (c. 27)

- 35 In section 38 of that Act (neither cohabitant or former...
- 36 (1) Section 42 of that Act (non-molestation orders) is amended...
- 37 (1) Section 46 of that Act (undertakings) is amended as...
- 38 (1) Section 47 of that Act (arrest for breach of...
- 39 In section 49 of that Act (variation and discharge of...
- 40 In section 62 of that Act (definitions), in subsection (1)(b),...
- 41 (1) In section 63 of that Act (interpretation of Part...
- 42 (1) Schedule 7 to that Act (transfer of certain tenancies...
- 43 Protection from Harassment Act 1997 (c. 40)
- 44 In section 7 of that Act (interpretation), in subsection (1),...
- 45 Crime (Sentences) Act 1997 (c. 43)
- 46 (1) Schedule 1 to that Act (transfers of prisoners within...
- 47 Protection from Harassment (Northern Ireland) Order 1997 (S.I.
1997/1180 (N.I. 9))
- 48 Crime and Disorder Act 1998 (c. 37)
- 49 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 50 In section 136 of that Act (power to order statement...
- 51 (1) Section 137 of that Act (power to order parent...
- 52 (1) Section 138 of that Act (fixing of fine or...
- 53 In section 142(1) of that Act (power of Crown Court...
- 54 Criminal Justice and Court Services Act 2000 (c. 43)
- 55 Section 69 (duties in connection with victims of certain offences)...
- 56 In Schedule 4 (offences against children for the purposes of...
- 57 Sexual Offences Act 2003 (c. 42)
- 58 In section 135 of that Act (interpretation: mentally disordered
offenders),...
- 59 (1) Schedule 5 to that Act (other offences for the...
- 60 Criminal Justice Act 2003 (c. 44)
- 61 In section 50 of that Act (application of Part 7...
- 62 In section 74 of that Act (interpretation of Part 9),...
- 63 In section 151 of that Act (community order for persistent...
- 64 In section 305 of that Act (interpretation of Part 12),...
- 65 In Schedule 15 to that Act (specified offences for the...
- 66 In Schedule 17 to that Act (Northern Ireland offences specified...

SCHEDULE 11 — Repeals

SCHEDULE 12 — Transitional and transitory provisions

- 1 (1) Section 1 and paragraphs 37 to 39 of Schedule...
- 2 In section 5, the reference in subsection (1)(a) to an...
- 3 (1) This paragraph has effect, in relation to any time...
- 4 Section 10 applies only in relation to offences committed on...
- 5 (1) Section 12(1) and paragraphs 43(3) and 48 of Schedule...
- 6 (1) Section 13(1) and paragraph 47(3) of Schedule 10 do...
- 7 Section 14 applies only in relation to offences committed on...
- 8 (1) The provisions mentioned in sub-paragraph (2) do not apply—...
- 9 The Schedule inserted by Schedule 2 has effect in relation...
- 10 Each entry in Schedule 11 applies in the same way...