

These notes refer to the Domestic Violence, Crime and Victims Act 2004 (c.28) which received Royal Assent on 15 November 2004

DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Criminal Justice

Section 19: Effect of order under section 17(2)

77. *Subsection (1)* provides that if, in a case where an order under section 17 has been made, the defendant is found guilty by the jury of a sample count, the counts of which it is a sample may be tried without jury.
78. *Subsection (2)* provides that where a court orders part of a trial to be conducted without a jury under *section 17(2)*, the trial will proceed in the usual way, except that the functions which would otherwise have been performed by a jury will be performed by the judge sitting alone; and *subsection (3)* provides for references to the jury in other enactments to be interpreted as references to the court.
79. Where part of a trial is conducted without a jury, and a defendant is convicted, *subsection (4)(a)* requires the court to give its reasons for the conviction.
80. *Subsections (5) and (6)* provide that the time limits governing applications for leave to appeal to the Court of Appeal against conviction in cases where part of the trial is conducted without a jury will begin to run from the end of the proceedings, and not from the end of the part of the trial which is tried with a jury.
81. *Subsection (7)* disapplies these provisions in respect of hearings under section 4A of the Criminal Procedure (Insanity) Act 1964.