



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 9

GENERAL

176 Orders, regulations and rules

- (1) Orders or regulations made by the Secretary of State, the Lord Chancellor, the Welsh Ministers or the Chief Coroner under this Act are to be made by statutory instrument.
- (2) The Statutory Instruments Act 1946 (c. 36) applies in relation to the power of the Chief Coroner under section 37 to make regulations as if the Chief Coroner were a Minister of the Crown.
- [^{F1}(2A) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]
- (3) Any power conferred by this Act to make orders, regulations or rules includes power—
 - (a) to make provision generally or only for specified purposes, cases, circumstances or areas;
 - (b) to make different provision for different purposes, cases, circumstances or areas;
 - (c) to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (4) A statutory instrument containing an order or regulations under this Act is subject to negative resolution procedure unless it is—
 - (a) an instrument within subsection (5), or
 - (b) an instrument containing an order under section 182 only.
- (5) A statutory instrument containing (whether alone or with other provision)—
 - (a) regulations under section 20(5) setting a fee for the first time or increasing the fee by more than is necessary to reflect changes in the value of money,
 - (b) an order under section 40(6),

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- (c) an order under section 74, 75, 77 or 78,
- (d) an order under section 148(1) or (3),
- (e) an order under section 161(2)(a)(ii) or (4),
- (f) an order under section 177 which contains provision amending or repealing any provision of an Act, or
- (g) an order under paragraph 34 or 35 of Schedule 22.

is subject to affirmative resolution procedure.

(6) In this section—

“affirmative resolution procedure” means—

- (a) in relation to any statutory instrument made by the Secretary of State or the Lord Chancellor, a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament;
- (b) in relation to any statutory instrument made by the Welsh Ministers, a requirement that a draft of the instrument be laid before, and approved by a resolution of, the National Assembly for Wales;

“negative resolution procedure” means—

- (a) in relation to any statutory instrument made by the Secretary of State, Lord Chancellor or Chief Coroner, annulment in pursuance of a resolution of either House of Parliament;
- (b) in relation to any statutory instrument made by the Welsh Ministers, annulment in pursuance of a resolution of the National Assembly for Wales.

[^{F2}(7) No order may be made under this Act by the Department of Justice in Northern Ireland unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (7) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(9) Subsection (7) does not apply to the making by the Department of Justice of—

- (a) an order under section 177 which does not contain any provision amending or repealing any provision of an Act;
- (b) an order under section 182;

and an order within paragraph (a) above made by the Department of Justice is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Textual Amendments

- F1** S. 176(2A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 101(2)** (with arts. 28-31)
- F2** S. 176(7)-(9) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 101(3)** (with arts. 28-31)

177 Consequential etc amendments and transitional and saving provisions

(1) Schedule 21 contains minor and consequential amendments.

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- (2) Schedule 22 contains transitional, transitory and saving provisions.
- (3) An appropriate minister may by order make—
 - (a) such supplementary, incidental or consequential provision, or
 - (b) such transitory, transitional or saving provision,as the appropriate minister considers appropriate for the general purposes, or any particular purposes, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.
- [^{F3}(3A) In relation to the making of provision that could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), in subsection (3) references to the appropriate minister are to be read as references to the Department of Justice in Northern Ireland.]
- (4) An order under subsection (3) may, in particular—
 - (a) provide for any amendment or other provision made by this Act which comes into force before any other provision (whether made by this or any other Act or by any subordinate legislation) has come into force to have effect, until that other provision has come into force, with specified modifications, and
 - (b) modify any provision of—
 - (i) any Act (including this Act and any Act passed in the same session as this Act);
 - (ii) subordinate legislation made before the passing of this Act;
 - (iii) Northern Ireland legislation passed, or made, before the passing of this Act;
 - (iv) any instrument made, before the passing of this Act, under Northern Ireland legislation.
- (5) Nothing in this section limits the power, by virtue of section 176(3), to include incidental, supplementary, consequential, transitional, transitory or saving provision in an order under section 182 (commencement).
- (6) The modifications that may be made by virtue of subsection (4)(b) are in addition to those made by, or which may be made under, any other provision of this Act.
- (7) Her Majesty may by Order in Council extend any provision made by virtue of subsection (4)(b), with such modifications as may appear to Her Majesty to be appropriate, to the Isle of Man or any British overseas territory.
- (8) The power under subsection (7) includes power to make supplementary, incidental, consequential, transitory, transitional or saving provision.
- (9) Subsection (7) does not apply in relation to amendments of the Armed Forces Act 2006 (c. 52).
- (10) In this section—
 - “appropriate minister” means the Secretary of State or the Lord Chancellor;
 - “modify” includes amend, repeal and revoke, and modification is to be construed accordingly;
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

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Textual Amendments

- F3** S. 177(3A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 1\(2\)](#), [Sch. 14 para. 102\(2\)](#) (with arts. 28-31)

Commencement Information

- I1** S. 177 partly in force; s. 177(1) in force at Royal Assent for specified purposes, at 1.1.2010 for further specified purposes and at 12.1.2010 for further specified purposes, see s. 182(1)(h)(2)(c)(3)(b); s. 177(2) in force at Royal Assent for specified purposes, at 1.1.2010 for further specified purposes and at 12.1.2010 for further specified purposes, see s. 182(1)(i)(2)(d)(3)(c); s. 177(3) - (10) in force at Royal Assent, see s. 182(1)(f)
- I2** S. 177(1) in force at 1.2.2010 for specified purposes by [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 18\(a\)](#)
- I3** S. 177(1) in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), [art. 2](#), [Sch. para. 14\(a\)](#)
- I4** S. 177(1) in force at 4.10.2010 for specified purposes by [S.I. 2010/816](#), [art. 5\(d\)](#)
- I5** S. 177(1) in force at 27.6.2011 for specified purposes by [S.I. 2011/1452](#), [art. 2\(d\)\(i\)](#)
- I6** S. 177(1) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(f\)](#)
- I7** S. 177(1) in force at 16.7.2018 for specified purposes by [S.I. 2018/733](#), [art. 2\(a\)](#)
- I8** S. 177(2) in force at 12.1.2010 for specified purposes by [S.I. 2010/28](#), [art. 2](#)
- I9** S. 177(2) in force at 1.2.2010 for specified purposes by [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 18\(b\)](#)
- I10** S. 177(2) in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), [art. 2](#), [Sch. para. 14\(b\)](#)
- I11** S. 177(2) in force at 2.8.2010 for specified purposes by [S.I. 2010/1858](#), [art. 2\(b\)](#)
- I12** S. 177(2) in force at 15.8.2010 for specified purposes by [S.I. 2010/1858](#), [art. 3\(b\)](#)
- I13** S. 177(2) in force at 18.4.2011 for specified purposes for N.I. by [S.R. 2011/182](#), [art. 2\(c\)](#)
- I14** S. 177(2) in force at 27.6.2011 for specified purposes by [S.I. 2011/1452](#), [art. 2\(d\)\(ii\)](#)

178 Repeals

Schedule 23 contains repeals (including repeals of spent provisions).

Commencement Information

- I15** S. 178 partly in force; s. 178 in force at Royal Assent for specified purposes, at 1.1.2010 for further specified purposes and at 12.1.2010 for further specified purposes, see s. 182(1)(j)(2)(e)(3)(d)
- I16** S. 178 in force at 1.2.2010 for specified purposes by [S.I. 2010/145](#), [art. 2\(1\)\(b\)\(2\)](#), [Sch. para. 19](#)
- I17** S. 178 in force at 1.2.2010 for specified purposes by [S.I. 2010/145](#), [art. 2\(1\)\(b\)](#)
- I18** S. 178 in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), [art. 2, 4\(1\)](#), [Sch. para. 15\(a\)](#)
- I19** S. 178 in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), [art. 2](#), [Sch. para. 15](#)
- I20** S. 178 in force at 2.8.2010 for specified purposes by [S.I. 2010/1858](#), [art. 2\(c\)](#)
- I21** S. 178 in force at 15.8.2010 for specified purposes by [S.I. 2010/1858](#), [art. 3\(c\)](#)
- I22** S. 178 in force at 4.10.2010 for specified purposes by [S.I. 2010/816](#), [art. 5\(e\)](#)
- I23** S. 178 in force at 1.6.2011 for specified purposes for N.I. by [S.R. 2011/182](#), [art. 3\(f\)](#)
- I24** S. 178 in force at 27.6.2011 for specified purposes by [S.I. 2011/1452](#), [art. 2\(e\)](#)
- I25** S. 178 in force at 3.10.2011 for specified purposes by [S.I. 2011/2148](#), [art. 2\(1\)\(d\)](#)
- I26** S. 178 in force at 8.10.2012 for specified purposes by [S.I. 2012/2374](#), [art. 3\(d\)](#)
- I27** S. 178 in force at 12.2.2013 for specified purposes by [S.I. 2013/250](#), [art. 2\(a\)](#)
- I28** S. 178 in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(g\)](#)

179 Financial provision

The following are to be paid out of money provided by Parliament—

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- (a) any expenditure incurred by a Minister of the Crown under or by virtue of this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

180 Effect of amendments to provisions applied for purposes of service law

- (1) In this section “relevant criminal justice provisions” means provisions of, or made under, an Act which—
 - (a) relate to criminal justice, and
 - (b) are applied (with or without modifications) for any purposes of service law by any provision of, or made under, any Act.
- (2) Unless the contrary intention appears, any amendment by this Act of relevant criminal justice provisions also amends those provisions as so applied.
- (3) In this section “service law” means—
 - (a) the system of service law established by the Armed Forces Act 2006, or
 - (b) any of the systems of service law superseded by that Act (namely, military law, air force law and the Naval Discipline Act 1957 (c. 53)).

Commencement Information

I29 S. 180 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 20

181 Extent

- (1) Subject to the following provisions of this section and any other provision of this Act, this Act extends to England and Wales only.
- (2) The following provisions extend to England and Wales, Scotland and Northern Ireland—
 - (a) section 84;
 - (b) the service courts provisions of Chapter 2 of Part 3;
 - (c) section 143;
 - (d) Part 7 (except sections 158(1) and (2), 170(2) and 171 and Schedule 19);
 - (e) sections 176 to 183;
 - (f) paragraph 4 of Schedule 1;
 - (g) paragraphs 8, 15, 29, 42 and 45 of Schedule 22.
- (3) The following provisions extend to England and Wales and Northern Ireland—
 - (a) sections 54, 55 and 56(1);
 - (b) section 61 and Schedule 12;
 - (c) sections 62 to 66;
 - (d) section 67(3);
 - (e) section 68 and Schedule 13;
 - (f) section 71;
 - (g) section 73;
 - (h) Chapter 1 of Part 3 (except section 84);

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- (i) Chapter 2 of that Part, and paragraphs 16 and 17 of Schedule 22, (subject to subsection (2)(b));
 - (j) paragraphs 7, 12(2), 39, 40 and 41 of Schedule 22.
- (4) The following provisions extend to Northern Ireland only—
- (a) section 49 and Schedule 11;
 - (b) section 67(2);
 - (c) paragraphs 11, 38 and 44(2) of Schedule 22.
- (5) Paragraphs 34 and 35 of Schedule 22 extend to England and Wales and Scotland, and paragraph 36 of that Schedule extends to Scotland only.
- (6) Except as otherwise provided by this Act, an amendment, repeal or revocation of any enactment by any provision of this Act extends to the part or parts of the United Kingdom to which the enactment extends.
- (7) In section 338(1) of the Criminal Justice Act 2003 (c. 44) (power to extend the provisions of that Act to the Channel Islands etc) the reference to that Act includes a reference to that Act as amended by any provision of this Act.
- (8) In section 384 of the Armed Forces Act 2006 (c. 52) (extent to Channel Islands, Isle of Man etc) any reference to that Act includes a reference to—
- (a) that Act as amended by or under any provision of this Act;
 - (b) section 84;
 - (c) the service courts provisions of Chapter 2 of Part 3;
 - (d) section 180.
- (9) In section 79(3) of the International Criminal Court Act 2001 (c. 17) (power to extend provisions of that Act to Channel Islands, Isle of Man etc) the reference to that Act includes a reference to that Act as amended by section 70.
- (10) In this section “the service courts provisions of Chapter 2 of Part 3” means the provisions of Chapter 2 of Part 3, and paragraph 70 of Schedule 21 and paragraphs 16 to 22 of Schedule 22, so far as having effect in relation to service courts.

182 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
- (a) sections 47 and 48;
 - (b) section 116;
 - (c) section 143;
 - (d) sections 151 and 152;
 - (e) section 154;
 - (f) this section and sections 176, 177(3) to (10), 179, 181 and 183;
 - (g) Schedule 18;
 - (h) paragraphs 62(3) and 94 to 98 of Schedule 21 (and section 177(1) so far as relating to those provisions);
 - (i) Part 1 and paragraphs 26 and 47 of Schedule 22 (and section 177(2) so far as relating to those provisions);
 - (j) in Schedule 23—

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- (i) in Part 3, the repeals relating to the Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36) and the Supreme Court Act 1981 (c. 54),
 - (ii) in Part 4, the repeals in the Criminal Justice and Immigration Act 2008 (c. 4),
 - (iii) in Part 5, the repeal of section 8(6) of the Animal Welfare Act 2006 (c. 45),
 - (iv) in Part 6, the repeals in sections 17 and 17A of, and Schedule 3 to, the Access to Justice Act 1999 (c. 22), and
 - (v) Part 9,and section 178 so far as relating to those repeals.
- (2) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
 - (a) section 73;
 - (b) section 138;
 - (c) Part 4 of Schedule 21 (and section 177(1) so far as relating to that Part);
 - (d) paragraph 37 of Schedule 22 (and section 177(2) so far as relating to that provision);
 - (e) in Part 2 of Schedule 23, the repeals relating to the following Acts—
 - (i) Libel Act 1792 (c. 60),
 - (ii) Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8),
 - (iii) Libel Act 1843 (c. 96),
 - (iv) Newspaper Libel and Registration Act 1881 (c. 60),
 - (v) Law of Libel Amendment Act 1888 (c. 64),
 - (vi) Defamation Act 1952 (c. 66),
 - (vii) Theatres Act 1968 (c. 54),
 - (viii) Broadcasting Act 1990 (c. 42),
 - (ix) Criminal Procedure and Investigations Act 1996 (c. 25),
 - (x) Defamation Act 1996 (c. 31), and
 - (xi) Legal Deposit Libraries Act 2003 (c. 28),and section 178 so far as relating to those repeals.
- (3) The following provisions come into force on 1 January 2010—
 - (a) Chapter 2 of Part 3;
 - (b) paragraphs 69 to 71 of Schedule 21 (and section 177(1) so far as relating to those provisions);
 - (c) paragraphs 16 to 22 of Schedule 22 (and section 177(2) so far as relating to those provisions);
 - (d) in Part 3 of Schedule 23, the repeals relating to the Criminal Evidence (Witness Anonymity) Act 2008 (c. 15) (and section 178 so far as relating to those repeals).
- (4) The following provisions come into force on such day as the Lord Chancellor may by order appoint—
 - (a) Part 1 (other than sections 19, 20, 21, 47 and 48);
 - (b) Chapter 1 of Part 4;
 - (c) sections 146 to 148;

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- (d) sections 149, 150 and 153;
- (e) Parts 1 and 8 of Schedule 21 (and section 177(1) so far as relating to those provisions);
- (f) paragraphs 27, 28 and 44 of Schedule 22 (and section 177(2) so far as relating to those provisions);
- (g) in Schedule 23—
 - (i) the repeals in Part 1,
 - (ii) the repeals in Part 4 (other than those relating to the Criminal Procedure (Scotland) Act 1995 (c. 46) and the Criminal Justice and Immigration Act 2008 (c. 4)), and
 - (iii) in Part 6, the repeals of section 2(2) of, and paragraph 1(h) of Schedule 2 to, the Access to Justice Act 1999 (c. 22),
 and section 178 so far as relating to those repeals.
- (5) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint.
- [^{F4}(6) The power to make provision by order under subsection (4) or (5) is exercisable by the Department of Justice in Northern Ireland (and not by the Lord Chancellor or the Secretary of State) so far as it may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).
- (7) Before making an order under subsection (4) or (5) bringing into force any provision for the purposes of the law of Northern Ireland, the Lord Chancellor or the Secretary of State must consult the Department of Justice.]

Textual Amendments

- F4** S. 182(6)(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 103(2)** (with arts. 28-31)

183 Short title

This Act may be cited as the Coroners and Justice Act 2009.

Status:

Point in time view as at 28/06/2022.

Changes to legislation:

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