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SCHEDULES

SCHEDULE 22

Section 177

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART 1

CORONERS ETC

Coroner areas

- 1 (1) Where an order is made under section 182(4) bringing into force the repeal of sections 1 to 7 of the 1988 Act (coroners, coroners' districts and deputy coroners), the Lord Chancellor must make an order under paragraph 1 of Schedule 2—
- (a) specifying as a coroner area the area of each coroner's district immediately before the repeal, and
 - (b) coming into force at the same time as the repeal.
- The order made by virtue of this sub-paragraph is referred to in this Schedule as the “transitional order”.
- (2) Paragraph 1(2) of Schedule 2 does not apply to the coroner areas specified in the transitional order.
- (3) The transitional order must specify, as the name of each coroner area, the name by which the corresponding coroner's district was known (but ending “coroner area” instead of “coroner's district”).
- (4) The transitional order must, in relation to each coroner area, contain the provision that may be made under paragraph 2(1)(b) of Schedule 3 (minimum number of assistant coroners).

Relevant authorities

- 2 (1) For the purposes of this Part, the “relevant authority” for each coroner area specified in the transitional order is the authority that was the relevant council under the 1988 Act for the corresponding coroner's district.
- (2) This paragraph does not apply in relation to a coroner area specified in any subsequent order under Schedule 2.

Senior and assistant coroners

- 3 (1) Sub-paragraphs (2) and (3) apply on the coming into force of the repeal by this Act of sections 1 to 7 of the 1988 Act.
- (2) A person who—
- (a) immediately before the repeal was the coroner for a district, and

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- (b) would, but for the repeal, continue in office,
 is to be treated as having been appointed under paragraph 1(1) of Schedule 3 as the senior coroner for the corresponding coroner area.
- (3) A person who—
- (a) immediately before the repeal was the deputy coroner or an assistant deputy coroner appointed by the coroner for a district, and
 - (b) would, but for the repeal, continue in office,
- is to be treated as having been appointed under paragraph 2(4) of Schedule 3 as an assistant coroner for the corresponding coroner area.
- (4) A person who—
- (a) becomes an assistant coroner as the result of sub-paragraph (3), and
 - (b) would accordingly (but for this sub-paragraph) be entitled to fees under paragraph 16 of Schedule 3,
- is instead entitled to a salary under paragraph 15 of that Schedule if immediately before becoming an assistant coroner he or she was a deputy coroner remunerated by a salary.
- (5) Paragraphs 15(6) and 17 of Schedule 3 have effect as if a reference to an area coroner included a reference to a person within sub-paragraph (4).
- (6) Paragraphs 3 and 4 of Schedule 3 do not apply in relation to a deemed appointment under sub-paragraph (2) or (3) above.
- (7) Paragraph 10 of that Schedule does not apply to a person who becomes a senior coroner, area coroner or assistant coroner as the result of sub-paragraph (2) or (3) above.
- (8) Sub-paragraphs (9) to (11) apply where an order under paragraph 2 of Schedule 2 has the effect of creating a coroner area (“the new area”) that consists of or includes some or all of the area of one or more existing coroner areas (“the old areas”).
- (9) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become the senior coroner or an area coroner for the new area at its inception if he or she is someone who—
- (a) was treated by virtue of sub-paragraph (2) above as having been appointed as the senior coroner for one of the old areas, and
 - (b) held office as such immediately before the inception of the new area.
- (10) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become an assistant coroner for the new area at its inception if he or she is someone who—
- (a) was treated by virtue of sub-paragraph (2) or (3) above as having been appointed as the senior coroner or an assistant coroner for one of the old areas, and
 - (b) held office as such immediately before the inception of the new area.
- (11) Paragraph 10 of that Schedule does not apply to—
- (a) a person within paragraphs (a) and (b) of sub-paragraph (9) above who becomes the senior coroner for the new area at its inception;
 - (b) a person within paragraphs (a) and (b) of sub-paragraph (10) above who becomes an assistant coroner for the new area at its inception.

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Coroner for Treasure

- 4 In the case of the first appointment to the office of Coroner for Treasure, paragraph 2(b) of Schedule 4 does not apply to a person holding office as a coroner, deputy coroner or assistant deputy coroner under the 1988 Act on the coming into force of that Schedule.

Investigation by former coroner

- 5 A person who—
- (a) was appointed as a coroner under section 1 of the 1988 Act, and
 - (b) ceased to hold office as such before the coming into force of the repeal by this Act of that section,
- is to be treated for the purposes of paragraph 3(3) of Schedule 10 as having held office as a senior coroner.

Interpretation

- 6 In this Part—
- “the 1988 Act” means the Coroners Act 1988 (c. 13);
 - “coroner's district” or “district” means a coroner's district for the purposes of the 1988 Act;
 - “corresponding coroner area”, in relation to a district, means the coroner area that (by virtue of the transitional order) has the same area as that district;
 - “corresponding coroner's district”, in relation to a coroner area, means the coroner's district whose area becomes (by virtue of the transitional order) the area of that coroner area;
 - “transitional order” means the order made by virtue of paragraph 1(1).

PART 2

CRIMINAL OFFENCES

Commencement of Chapter 1 of Part 2

- 7 (1) No provision of Chapter 1 of Part 2 affects the operation of—
- (a) any rule of the common law, or
 - (b) any provision of an Act or of subordinate legislation,
- in relation to offences committed wholly or partly before the commencement of the provision in question.
- (2) For the purposes of this paragraph an offence is partly committed before a particular time if—
- (a) a relevant event occurs before that time, and
 - (b) another relevant event occurs at or after that time.
- (3) “Relevant event” in relation to an offence means any act, omission or other event (including any consequence of an act) proof of which is required for conviction of the offence.

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Commencement Information

II Sch. 22 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(a)

Suicide

- 8 The reference to “aiding, abetting, counselling or procuring suicide” in the following enactments is to be read as including a reference to “an offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) in connection with the death of a person”—
- (a) section 70(4) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
 - (b) section 70(4) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
 - (c) section 48(2) of the Naval Discipline Act 1957 (c. 53).

Commencement Information

I2 Sch. 22 para. 8 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 9 Until such time as the following provisions of the Coroners Act 1988 (c. 13) are repealed by this Act, they have effect with the following amendments—
- (a) in section 16(1)(a)(iii) for “consisting of aiding, abetting, counselling or procuring the suicide of the deceased” substitute “(encouraging or assisting suicide) in connection with the death of the deceased”,
 - (b) in section 17(1)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”, and
 - (c) in section 17(2)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”.

Commencement Information

I3 Sch. 22 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 10 (1) In this paragraph—
- “old offence” means an offence under section 2(1) of the Suicide Act 1961 as that section had effect before the section 59 commencement date, or an attempt to commit such an offence;
- “new offence” means an offence under section 2(1) of that Act as that Act is amended by section 59 of this Act.
- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
 - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 59 commencement date, and

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- (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 59 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 59 commencement date.
- (4) For this purpose “the section 59 commencement date” means the day appointed under section 182 for the coming into force of section 59.

Commencement Information

I4 Sch. 22 para. 10 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 11 (1) In this paragraph—
- “old offence” means an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) as that section had effect before the section 60 commencement date, or an attempt to commit such an offence;
 - “new offence” means an offence under section 13(1) of that Act as that Act is amended by section 60 of this Act.
- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
 - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 60 commencement date, and
 - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 60 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 60 commencement date.
- (4) For this purpose “the section 60 commencement date” means the day appointed under section 182 for the coming into force of section 60.

Commencement Information

I5 Sch. 22 para. 11 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

Prohibited images of children

- 12 (1) In section 66(3)(a) in its application in relation to England and Wales the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

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- (2) The Schedules mentioned in subsections (1)(b) and (2)(b) of section 67, as applied by virtue of that section, have effect in relation to property regardless of when it was lawfully seized.

Commencement Information

I6 Sch. 22 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(a)

Slavery, servitude and forced or compulsory labour

- 13 In the definition of “the relevant period” in section 71(4), as it extends to England and Wales, the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

Commencement Information

I7 Sch. 22 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(b)

PART 3

CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE

Anonymity in investigations

- 14 In section 76(12)(a) the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44).

Commencement Information

I8 Sch. 22 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(c)

- 15 (1) Notwithstanding subsection (4)(a) of section 84, references in that section to a service offence are to be treated as including a reference to—
- (a) an offence under Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or Part 1 of the Naval Discipline Act 1957 (c. 53),
 - (b) an offence under paragraph 4(6) of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957,
 - (c) an offence under section 47K of the Naval Discipline Act 1957,
 - (d) an offence under section 18 or 20 of the Armed Forces Act 1991 (c. 62) committed before the commencement of section 50 of the Armed Forces Act 2006 (c. 52) (“the 2006 Act”),
 - (e) an offence under any of sections 95 to 97 of the Reserve Forces Act 1996 (c. 14) committed before the commencement of section 50 of the 2006 Act, and

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- (f) an offence under paragraph 5(1) of Schedule 1 to the Reserve Forces Act 1996 committed before the commencement of section 50 of the 2006 Act which the Court Martial established by the 2006 Act has jurisdiction to try.
- (2) Notwithstanding subsection (4)(b) of section 84, references in that section to a charge are to be treated as including a reference to a charge that is not brought under Part 5 of the Armed Forces Act 2006 but is to be regarded for the purposes of Part 5 as allocated for Court Martial trial, summary hearing or (as the case may be) Service Civilian Court trial.

Commencement Information

19 Sch. 22 para. 15 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(c)

Anonymity of witnesses

- 16 (1) The repeal of sections 1 to 9 of the Criminal Evidence (Witness Anonymity) Act 2008 (c. 15) (“the 2008 Act”) by section 96 does not affect the continuation in effect of a witness anonymity order made under the 2008 Act before 1 January 2010.
- (2) An application under section 3 of the 2008 Act that falls to be heard on or after 1 January 2010 is to be treated as an application under section 87 of this Act and the conditions in section 88 must be satisfied in relation to it.
- (3) The following provisions of this paragraph apply in relation to witness anonymity orders made under the 2008 Act before 1 January 2010.
- (4) Sections 91 to 93 of this Act have effect on or after 1 January 2010 for the purpose of discharging or varying a witness anonymity order made under the 2008 Act.
- (5) Accordingly, an application under section 6 of the 2008 Act that falls to be heard on or after 1 January 2010 is to be treated as an application under section 91 of this Act or (as the case may be) section 92.
- (6) Where section 91 or 92 of this Act has effect for the purposes of discharging or varying a witness anonymity order made under the 2008 Act, the definition in that section of “the relevant time” is to be treated as including, in a case where a previous application has been made under section 6 of the 2008 Act, the time when the application under section 6 (or the last application under section 6) was made.
- (7) Where section 91, 92 or 93 of this Act has effect in relation to a witness anonymity order made under the 2008 Act, the reference in that section to sections 88 and 89 of this Act has effect as a reference to sections 4 and 5 of the 2008 Act.
- (8) Sections 90 and 94(3) of this Act have effect on or after 1 January 2010 in relation to a witness to whom a witness anonymity order under the 2008 Act applies as they have effect in relation to a witness to whom a witness anonymity order under Chapter 2 of Part 3 of this Act applies.
- 17 (1) Where an appeal court's consideration of a relevant appeal commences before 1 January 2010, the repeal by section 96 of this Act of sections 1 to 9 of the 2008 Act is to be disregarded.

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- (2) Where an appeal court's consideration of a relevant appeal commences on or after 1 January 2010, the reference in section 11(2)(b)(i) to the 2008 Act is to be treated as a reference to Chapter 2 of Part 3 of this Act.
- (3) In this paragraph—
“appeal court” has the meaning given by section 11 of the 2008 Act;
“relevant appeal” means an appeal against conviction in relation to which that section applies.
- 18 (1) Section 92 of this Act has effect with the modifications made by this paragraph for the purposes of discharging or varying—
(a) a witness anonymity order made under the Criminal Evidence (Witness Anonymity) Act 2008 (c. 15) by a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53), or
(b) a witness anonymity order made under Chapter 2 of Part 3 of this Act by a court-martial constituted under any of those Acts.
- (2) The references in section 92(2) to (5) to the court that made the order are to be treated—
(a) until the coming into force of section 154(1) of the Armed Forces Act 2006 (c. 52), as references to a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or, as the case may be, the Naval Discipline Act 1957, and
(b) after the coming into force of section 154(1) of the Armed Forces Act 2006, as references to the Court Martial established by that Act.
- 19 (1) Section 92 has effect with the modifications made by this paragraph for the purposes of discharging or varying a witness anonymity order made under the Criminal Evidence (Witness Anonymity) Act 2008 by—
(a) a Summary Appeal Court established by the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, or
(b) a Standing Civilian Court established under the Armed Forces Act 1976 (c. 52).
- (2) The references in section 92(2) to (5) to the court that made the order are to be treated—
(a) where the order was made by a Summary Appeal Court, as references to the Summary Appeal Court established by the Armed Forces Act 2006 (c. 52), and
(b) where the order was made by a Standing Civilian Court, as references to the Service Civilian Court established by the Armed Forces Act 2006.
- 20 (1) Notwithstanding section 97, references in Chapter 2 of Part 3 of this Act to a service court are to be treated as including a reference to—
(a) a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);
(b) the Summary Appeal Court established by any of those Acts;
(c) a Standing Civilian Court established under the Armed Forces Act 1976;
(d) the Courts-Martial Appeal Court.

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- (2) Notwithstanding subsection (6) of section 93 of this Act, the references in section 93 to an appeal court are to be treated as including a reference to the Courts-Martial Appeal Court.
- (3) Each of the provisions mentioned in sub-paragraph (4) has effect with the modification set out in that sub-paragraph in a case where—
- (a) a witness anonymity order is made under Chapter 2 of Part 3 of this Act by a relevant service court to which that provision applies, and
 - (b) a person does anything in relation to the order which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court.
- (4) In such a case—
- (a) section 101(1) of the Army Act 1955 has effect with the omission of the words “not subject to military law”,
 - (b) section 101(1) of the Air Force Act 1955 has effect with the omission of the words “not subject to air-force law”, and
 - (c) section 65(1) of the Naval Discipline Act 1957 has effect with the omission of the words “not subject to this Act”.
- (5) In sub-paragraph (3) “relevant service court” means—
- (a) a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957;
 - (b) the Summary Appeal Court established by any of those Acts.
- 21 Notwithstanding section 97, references in Chapter 2 of Part 3 of this Act to a service offence are to be treated as including a reference to—
- (a) an offence under Part 2 of the Army Act 1955, Part 2 of the Air Force Act 1955 or Part 1 of the Naval Discipline Act 1957,
 - (b) an offence under paragraph 4(6) of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957,
 - (c) an offence under section 47K of the Naval Discipline Act 1957,
 - (d) an offence under section 18 or 20 of the Armed Forces Act 1991 (c. 62) committed before the commencement of section 50 of the Armed Forces Act 2006 (c. 52) (“the 2006 Act”),
 - (e) an offence under any of sections 95 to 97 of the Reserve Forces Act 1996 (c. 14) committed before the commencement of section 50 of the 2006 Act, and
 - (f) an offence under paragraph 5(1) of Schedule 1 to the Reserve Forces Act 1996 committed before the commencement of section 50 of the 2006 Act which the Court Martial established by the 2006 Act has jurisdiction to try.
- 22 If paragraph 70 of Schedule 21 to this Act comes into force before the commencement of paragraph 53 of Schedule 8 to the Armed Forces Act 2006, the reference in paragraph 70 to the Court Martial Appeals Act 1968 (c. 20) is to be read as a reference to the Courts-Martial (Appeals) Act 1968 (c. 20).

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VALID FROM 27/06/2011

Vulnerable and intimidated witnesses

- 23 (1) The amendments made by sections 98 to 103 apply to proceedings instituted before the commencement of the amendment in question.
- (2) But the amendments made by sections 98 to 103 do not affect the continued operation of a special measures direction given before the commencement of the amendment in question.
- (3) Sub-paragraph (2) does not prevent an amendment made by sections 98 to 103 from applying after its commencement to—
- (a) the variation under section 20 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) of a special measures direction that was given in relation to a witness before the commencement of the amendment, and
 - (b) the giving of a new special measures direction in relation to a witness (including the giving of a new direction in a case where a special measures direction given in relation to the witness in question has been discharged under section 20 of the Youth Justice and Criminal Evidence Act 1999 after the commencement of the amendment).
- (4) In this paragraph, “special measures direction” means a direction under section 19 of the Youth Justice and Criminal Evidence Act 1999.
- 24 The references in paragraphs 30 and 31 of Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (inserted by Schedule 14 to this Act) to an offence under Part 2 of the Serious Crime Act 2007 (c. 27) include a reference to the common law offence of incitement.

Evidence of previous complaint

- 25 Section 112 does not have effect in relation to trials or hearings begun before the commencement of that section.

Commencement Information

I10 Sch. 22 para. 25 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(c)

Indictment of offenders

- 26 (1) For the purposes of any proceedings before a court (including proceedings on an appeal to the court) after the passing of this Act, the amendments in subsections (1) and (2) of section 116 are to be deemed always to have had effect.
- (2) For the purposes of sub-paragraph (1), it is immaterial whether the proceedings were begun before or after the passing of this Act.

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PART 4

SENTENCING

Sentencing Council for England and Wales

- 27 (1) Nothing in section 125 or 126 has effect in relation to the sentencing of persons for offences committed before the commencement of the section in question.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

Commencement Information

I11 Sch. 22 para. 27 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(d)

- 28 (1) Without prejudice to the generality of section 177, an order under subsection (3) of that section made by the Lord Chancellor may provide—
- (a) for the Sentencing Council for England and Wales to exercise any function conferred on the Sentencing Guidelines Council by any provision of Chapter 1 of Part 12 of the Criminal Justice Act 2003 (c. 44) pending the repeal of the provision in question by this Act;
 - (b) for existing guidelines which have effect immediately before the coming into force of section 125(1) to be treated as guidelines issued by the Sentencing Council for England and Wales under this Act;
 - (c) that, in relation to the sentencing of persons for offences committed before the coming into force of section 125(1), any provision of Chapter 1 of Part 12 of the Criminal Justice Act 2003 repealed by this Act continues to have effect with such modifications as are specified in the order.
- (2) “Existing guidelines” means—
- (a) sentencing or allocation guidelines issued as definitive guidelines under section 170 of the Criminal Justice Act 2003;
 - (b) guidelines with respect to sentencing which were included in any judgment of the Court of Appeal given before 27 February 2004 and have not been superseded by sentencing guidelines so issued.

Commencement Information

I12 Sch. 22 para. 28 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(d)

VALID FROM 13/04/2015

Driving disqualification

- 29 (1) No provision of Schedule 16 applies in relation to, or has effect by reference to, offences committed wholly or partly before the commencement of the provision in question.
- (2) An offence is partly committed before the commencement of a provision if—

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- (a) a relevant event occurs before commencement, and
(b) another relevant event occurs on or after commencement.
- (3) “Relevant event” in relation to an offence means any act or other event (including any consequence of an act) proof of which is required for conviction of the offence.
- 30 (1) During the transitory period, the Road Traffic Offenders Act 1988 (c. 53) has effect with the amendments made by paragraphs 31 to 33.
- (2) The transitory period is—
- (a) in the case of paragraph 31 or 32, the period beginning with the coming into force of the paragraph and ending with the coming into force of section 35 of the Road Safety Act 2006 (c. 49) (which substitutes sections 34A to 34C of the Road Traffic Offenders Act 1988 (c. 53));
- (b) in the case of paragraph 33, the period beginning with the coming into force of the paragraph and ending with the coming into force of paragraph 44(2) of Schedule 3 to the Road Safety Act 2006.
- 31 In section 34A (reduced disqualification period for attendance on courses)—
- (a) in subsection (1)(b), after “months” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
- (b) in subsection (2), after “section 34” insert “ (disregarding any extension period added pursuant to section 35A or 35C) (“the unreduced period)” ”,
- (c) in subsection (3), after “section 34”, in both places it occurs, insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
- (d) after that subsection insert—
- “(3A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”, and
- (e) in subsection (5), at the end insert “ but including any extension period added pursuant to section 35A or 35C. ”
- 32 In section 34B (certificates of completion of courses)—
- (a) in subsection (1), for “period of disqualification imposed under section 34” substitute “ total unreduced period of disqualification ”,
- (b) in subsection (2)—
- (i) for “period of disqualification imposed under section 34” substitute “ total unreduced period of disqualification ”,
- (ii) for “end of the period as it would have been reduced by the order” substitute “ total reduced period of disqualification ”, and
- (iii) for “reduced period” substitute “ total reduced period of disqualification ”, and
- (c) after that subsection insert—
- “(2A) For the purposes of this section—
- “the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period

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pursuant to section 35A or 35C), as reduced by an order under section 34A;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

33 In section 47(2) (supplementary provisions as to disqualification and endorsement) after “or more” insert “ (disregarding any extension period) ”.

34 (1) Sub-paragraph (2) applies where an order (“the amending order”) under section 49(1)(b) of the Criminal Justice Act 1991 (c. 53) (alteration by order of relevant proportions of sentences) provides that the proportion of a prisoner’s sentence is to be construed as a reference to another proportion (“the new proportion”).

(2) The Secretary of State may by order provide that the proportion specified in section 35A(4)(h) of the Road Traffic Offenders Act 1988 (c. 53) (as inserted by Schedule 16) and section 147A(4)(h) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (as inserted by that Schedule) is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.

PROSPECTIVE

^{F1}35

Textual Amendments

F1 Sch. 22 para. 35 omitted (28.4.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (2022 c. 32), [ss. 142\(11\)](#), 208(4)(q)

PROSPECTIVE

^{F2}36

Textual Amendments

F2 Sch. 22 para. 36 omitted (28.4.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (2022 c. 32), [ss. 142\(11\)](#), 208(4)(q)

Dangerous offenders

37 (1) The amendments made by section 138 have effect in relation only to offences committed on or after the day that section comes into force.

(2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

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- 38 (1) The amendments made by section 139 have effect in relation only to offences committed on or after the day that section comes into force.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

Commencement Information

I13 Sch. 22 para. 38 in force at 12.1.2010 by S.I. 2010/28, art. 2

Confiscation orders

- 39 The amendments made by sections 140 and 141 (appeals against certain confiscation orders) apply to appeals which are pending when this Act is passed (as well as appeals made after that time).

Commencement Information

I14 Sch. 22 para. 39 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(e)

PART 5

MISCELLANEOUS

Treatment of convictions in other member States etc

- 40 No provision of paragraph 1, 2 or 13 to 18 of Schedule 17 has effect in relation to trials or hearings begun before the commencement of that provision.

Commencement Information

I15 Sch. 22 para. 40 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

I16 Sch. 22 para. 40 in force at 18.4.2011 for specified purposes for N.I. by S.R. 2011/182, art. 2(e)

- 41 (1) No provision of paragraph 6, 8, 10 or 12 of that Schedule has effect in relation to any sentence passed in relation to a conviction for an offence committed before the coming into force of that provision.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

Commencement Information

I17 Sch. 22 para. 41 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

- 42 (1) No provision of paragraph 7, 9 or 11 of that Schedule has effect in relation to any sentence passed in relation to a conviction for a service offence committed before the coming into force of that provision.

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- (2) Where a service offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- (3) For the purposes of this paragraph—
 - (a) “service offence” has the meaning given in section 50(2) of the Armed Forces Act 2006 (c. 52), and
 - (b) subsections (1) to (3) of section 376 of that Act apply as they apply in relation to that Act.

Commencement Information

I18 Sch. 22 para. 42 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

Transfer of functions to Parole Board

- 43
- (1) Except as provided by this paragraph—
 - (a) section 37(5A) of the 1991 Act (as inserted by section 145(3)(b) of this Act) applies to prisoners released on licence under section 35(1) of that Act before (as well as after) commencement, and
 - (b) the repeal by this Act of section 37(5) and (6) of that Act applies to such prisoners and to prisoners released on licence under section 33(2), (3) or (3A) of that Act before (as well as after) commencement.
 - (2) The repeal by this Act of section 37(5) of the 1991 Act does not affect its continued application to a prisoner where—
 - (a) the prisoner is released on licence after commencement under section 33(2), (3) or (3A) or 35(1) of that Act, but
 - (b) the Parole Board has before commencement exercised the function under section 37(5) of that Act of making recommendations as to any condition to be included or inserted as a condition in the prisoner's licence (including by making a recommendation that no condition should be included in that licence).
 - (3) The repeal by this Act of section 37(5) of the 1991 Act does not affect its continued application to a prisoner where, before commencement—
 - (a) the prisoner has been released on licence under section 33(2), (3) or (3A) or 35(1) of that Act, and
 - (b) the Parole Board has exercised the function under section 37(5) of that Act of—
 - (i) making recommendations as to the inclusion or insertion of a condition in the prisoner's licence (including by making a recommendation that no condition should be included in that licence), or
 - (ii) making recommendations as to the variation or cancellation of any such condition (including a recommendation that the condition should not be varied or cancelled).
 - (4) Nothing in this paragraph applies to a person whose licence has, before commencement, ceased to be in force by virtue of section 37(1) of the 1991 Act.

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(5) In this paragraph—

- (a) “commencement” means the commencement of section 145(3);
- (b) “the 1991 Act” means the Criminal Justice Act 1991 (c. 53) (as it continues to apply to persons sentenced for offences committed before 4 April 2005);
- (c) the reference in sub-paragraph (1)(a) to section 35(1) of the 1991 Act includes a reference to that provision as modified (for certain long-term prisoners) by the Parole Board (Transfer of Functions) Order 1998 (S.I. 1998/3218);
- (d) the references in sub-paragraphs (2)(a) and (3)(a) to section 35(1) are to that provision as so modified;
- (e) the references in sub-paragraphs (2) and (3) to section 37(5) of the 1991 Act are to that provision as so modified.

Commencement Information

I19 Sch. 22 para. 43 in force at 2.8.2010 by S.I. 2010/1858, art. 2(d)

Knives in court buildings etc

- 44 (1) No provision of section 146 has effect in relation to property which was surrendered or seized before the coming into force of that provision.
- (2) No provision of section 147 has effect in relation to property which was surrendered or seized before the coming into force of that provision.

Commencement Information

I20 Sch. 22 para. 44 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(e)

Criminal memoirs etc

- 45 Until both sections 22(1) and 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26) come into force the reference in section 161(3)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

Commencement Information

I21 Sch. 22 para. 45 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(f)

Assessment notices

- 46 Until paragraph 8 of Schedule 4 to the Courts Act 2003 (c. 39) comes into force paragraph 1(1A) of Schedule 9 to the Data Protection Act 1998 (c. 29) (as inserted by paragraph 14(2) of Schedule 20 to this Act) has effect as if the words “or a District Judge (Magistrates' Courts)” were omitted.

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Commencement Information

I22 Sch. 22 para. 46 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 21(g)**

Assessment of dangerousness and service offences

- 47 Nothing in paragraph 95 of Schedule 21 has effect in relation to any person sentenced under section 225, 226, 227 or 228 of the Criminal Justice Act 2003 (c. 44) before the passing of this Act.

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Changes to legislation:

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