

*Status: Point in time view as at 08/10/2012.*

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## SCHEDULES

VALID FROM 25/07/2013

### SCHEDULE 1

Section 11

#### DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

.....

VALID FROM 25/07/2013

### SCHEDULE 2

Section 22

#### CORONER AREAS

##### *Coroner areas*

- 1
- (1) England and Wales is to be divided into areas to be known as coroner areas.
  - (2) Each coroner area is to consist of the area of a local authority or the combined areas of two or more local authorities.
  - (3) Subject to paragraph 2—
    - (a) the coroner areas are to be those specified in an order made by the Lord Chancellor;
    - (b) each coroner area is to be known by whatever name is specified in the order.
  - (4) Before making an order under this paragraph, the Lord Chancellor must consult—
    - (a) every local authority,
    - (b) the Welsh Ministers, and
    - (c) any other persons the Lord Chancellor thinks appropriate.

##### *Alteration of coroner areas*

- 2
- (1) The Lord Chancellor may make orders altering coroner areas.
  - (2) Before making an order under this paragraph the Lord Chancellor must consult—
    - (a) whichever local authorities the Lord Chancellor thinks appropriate,
    - (b) in the case of a coroner area in Wales, the Welsh Ministers, and
    - (c) any other persons the Lord Chancellor thinks appropriate.
  - (3) “Altering”, in relation to a coroner area, includes (as well as changing its boundaries)—

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- (a) combining it with one or more other coroner areas;
- (b) dividing it between two or more other coroner areas;
- (c) changing its name.

*Relevant authorities*

- 3
- (1) This paragraph sets out for the purposes of this Part what is the “relevant authority” for a given coroner area.
  - (2) In the case of a coroner area consisting of the area of a single local authority, that authority is the relevant authority for the coroner area.
  - (3) In the case of a coroner area consisting of the areas of two or more local authorities, the relevant authority for the coroner area is—
    - (a) whichever one of those authorities they jointly nominate;
    - (b) if they cannot agree on a nomination, whichever one of them the Lord Chancellor determines.
  - (4) Before making a determination under sub-paragraph (3)(b) the Lord Chancellor must consult—
    - (a) the Secretary of State, in a case involving local authorities in England;
    - (b) the Welsh Ministers, in a case involving local authorities in Wales.
  - (5) This paragraph has effect subject to paragraph 2 of Schedule 22.

*Effect of body being outside coroner area etc*

- 4
- (1) This paragraph applies where—
    - (a) a senior coroner is responsible for conducting an investigation under this Part into a person's death, and
    - (b) the body is outside the coroner's area (whether because of its removal or otherwise).
  - (2) The coroner has the same functions in relation to the body and the investigation as would be the case if the body were within the coroner's area.
  - (3) The presence of the body at a place outside the coroner's area does not confer any functions on any other coroner.

VALID FROM 25/07/2013

SCHEDULE 3

Section 23

APPOINTMENT ETC OF SENIOR CORONERS, AREA CORONERS AND ASSISTANT CORONERS

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PROSPECTIVE

## SCHEDULE 4

Section 25

### CORONER FOR TREASURE AND ASSISTANT CORONERS FOR TREASURE

#### PART 1

#### APPOINTMENT, QUALIFICATIONS AND TERMS OF OFFICE OF CORONER FOR TREASURE

##### *Appointment*

1 The Lord Chancellor may appoint a person as the Coroner for Treasure.

##### *Qualifications*

2 To be eligible for appointment as the Coroner for Treasure, a person must—  
(a) be under the age of [<sup>F2</sup>75], and  
(b) satisfy the judicial-appointment eligibility condition on a 5-year basis.

##### **Textual Amendments**

**F2** Word in [Sch. 4 para. 2\(a\)](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(3\)\(a\)](#) (with [Sch. 1 para. 43](#))

##### *Vacation or termination of office*

3 The Coroner for Treasure must vacate office on reaching the age of [<sup>F3</sup>75].

##### **Textual Amendments**

**F3** Word in [Sch. 4 para. 3](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(3\)\(b\)](#) (with [Sch. 1 para. 43](#))

4 The Coroner for Treasure may resign office by giving notice to the Lord Chancellor.

5 (1) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove the Coroner for Treasure from office for incapacity or misbehaviour.

(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise the functions of the Lord Chief Justice under sub-paragraph (1).

##### *Remuneration, allowances and expenses*

6 (1) The Lord Chancellor may pay to the Coroner for Treasure amounts determined by the Lord Chancellor by way of remuneration or allowances.

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- (2) The Lord Chancellor may pay to the Coroner for Treasure amounts determined by the Lord Chancellor towards expenses incurred by the Coroner for Treasure in performing functions as such.

## PART 2

### DESIGNATION AND REMUNERATION OF ASSISTANT CORONERS FOR TREASURE

#### *Designation*

- 7           The Chief Coroner may designate one or more assistant coroners to act as Assistant Coroners for Treasure.
- 8           A person who is designated under paragraph 7 to act as an Assistant Coroner for Treasure may act as such for so long as the designation continues to have effect.
- 9           A person's designation under that paragraph ceases to have effect—
- (a) when the person ceases to be an assistant coroner;
- (b) if earlier, when the designation is terminated by notice given—
- (i) by the person to the Chief Coroner, or
- (ii) by the Chief Coroner to the person.

#### *Remuneration, allowances and expenses*

- 10          (1) The Lord Chancellor may pay to an Assistant Coroner for Treasure amounts determined by the Lord Chancellor by way of remuneration or allowances.
- (2) The Lord Chancellor may pay to an Assistant Coroner for Treasure amounts determined by the Lord Chancellor towards expenses incurred by the Assistant Coroner for Treasure in performing functions as such.

## PART 3

### MISCELLANEOUS

#### *Functions of Assistant Coroners for Treasure*

- 11          (1) An Assistant Coroner for Treasure may perform any functions of the Coroner for Treasure—
- (a) during a period when the Coroner for Treasure is absent or unavailable;
- (b) during a vacancy in the office of Coroner for Treasure;
- (c) at any other time, with the consent of the Coroner for Treasure.
- (2) Accordingly a reference in this Part of this Act to the Coroner for Treasure is to be read, where appropriate, as including an Assistant Coroner for Treasure.

#### *Staff*

- 12          (1) The Lord Chancellor may appoint staff to assist the Coroner for Treasure and any Assistant Coroners for Treasure in the performance of their functions.

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(2) Such staff are to be appointed on whatever terms and conditions the Lord Chancellor thinks appropriate.

VALID FROM 25/07/2013

SCHEDULE 5

Section 32

POWERS OF CORONERS

.....

VALID FROM 25/07/2013

SCHEDULE 6

Section 33

OFFENCES

.....

VALID FROM 25/07/2013

SCHEDULE 7

Section 34

ALLOWANCES, FEES AND EXPENSES

.....

SCHEDULE 8

Section 35

CHIEF CORONER AND DEPUTY CHIEF CORONERS

*Appointment of Chief Coroner*

- 1 (1) The Lord Chief Justice may appoint a person as the Chief Coroner.
- (2) To be eligible for appointment as the Chief Coroner a person must be—
- (a) a judge of the High Court or a Circuit judge, and
  - (b) under the age of 70.
- (3) The Lord Chief Justice must consult the Lord Chancellor before making an appointment under this paragraph.

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- (4) The appointment of a person as the Chief Coroner is to be for a term decided by the Lord Chief Justice after consulting the Lord Chancellor.
- (5) In this paragraph “appointment” includes re-appointment.

#### Commencement Information

**II** Sch. 8 para. 1 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

#### *Appointment of Deputy Chief Coroners*

- 2 (1) The Lord Chief Justice may secure the appointment as Deputy Chief Coroners of however many persons the Lord Chief Justice thinks appropriate.
- (2) To be eligible for appointment as a Deputy Chief Coroner a person must be—
- (a) a judge of the High Court, a Circuit judge, the Coroner for Treasure or a senior coroner, and
  - (b) under the age of 70.
- (3) The Lord Chief Justice must consult the Lord Chancellor as to—
- (a) the appropriate number of persons to be appointed as Deputy Chief Coroners;
  - (b) how many of them are to be persons eligible for appointment by virtue of being judges and how many are to be persons eligible for appointment by virtue of being senior coroners or the Coroner for Treasure.
- (4) The function of appointing a person as a Deputy Chief Coroner is exercisable, in the case of a judge of the High Court or a Circuit judge, by the Lord Chief Justice after consulting the Lord Chancellor.
- (5) The appointment by the Lord Chief Justice of a person as a Deputy Chief Coroner is to be for a term decided by the Lord Chief Justice after consulting the Lord Chancellor.
- (6) The function of appointing a person as a Deputy Chief Coroner is exercisable, in the case of a senior coroner or the Coroner for Treasure, by the Lord Chancellor at the invitation of the Lord Chief Justice.
- (7) The appointment by the Lord Chancellor of a person as a Deputy Chief Coroner is to be for a term decided by the Lord Chancellor after consulting the Lord Chief Justice.
- (8) In this paragraph “appointment” includes re-appointment.

#### Commencement Information

**I2** Sch. 8 para. 2 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

#### *Resignation or removal*

- 3 (1) The Chief Coroner, or a Deputy Chief Coroner appointed by the Lord Chief Justice, may resign from office by giving notice in writing to the Lord Chief Justice.

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- (2) But the resignation does not take effect unless and until it is accepted by the Lord Chief Justice, who must consult the Lord Chancellor before accepting it.
- (3) A Deputy Chief Coroner appointed by the Lord Chancellor may resign from office by giving notice in writing to the Lord Chancellor.
- (4) But the resignation does not take effect unless and until it is accepted by the Lord Chancellor, who must consult the Lord Chief Justice before accepting it.

**Commencement Information**

**I3** Sch. 8 para. 3 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

- 4 (1) The Lord Chief Justice may, after consulting the Lord Chancellor, remove the Chief Coroner, or a Deputy Chief Coroner appointed by the Lord Chief Justice, from office for incapacity or misbehaviour.
- (2) The Lord Chancellor may, after consulting the Lord Chief Justice, remove a Deputy Chief Coroner appointed by the Lord Chancellor from office for incapacity or misbehaviour.

**Commencement Information**

**I4** Sch. 8 para. 4 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

*Remuneration, allowances and expenses*

- 5 The Lord Chancellor may pay to the Chief Coroner—
  - (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred by the Chief Coroner in performing functions as such.

**Commencement Information**

**I5** Sch. 8 para. 5 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

- 6 The Lord Chancellor may pay to a Deputy Chief Coroner—
  - (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred by that Deputy Chief Coroner in performing functions as such.

**Commencement Information**

**I6** Sch. 8 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

- 7 A reference in paragraph 5 or 6 to paying expenses incurred by a person (“P”) includes a reference to indemnifying P in respect of—

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- (a) costs that P reasonably incurs in or in connection with proceedings in respect of things done or omitted in the exercise (or purported exercise) by P of duties under this Part;
- (b) costs that P reasonably incurs in taking steps to dispute claims that might be made in such proceedings;
- (c) damages awarded against P, or costs ordered to be paid by P, in such proceedings;
- (d) sums payable by P in connection with a reasonable settlement of such proceedings or of claims that might be made in such proceedings.

**Commencement Information**

**I7** Sch. 8 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

*Exercise of Chief Coroner's functions by Deputy Chief coroner*

- 8 (1) A Deputy Chief Coroner may perform any functions of the Chief Coroner—
- (a) during a period when the Chief Coroner is absent or unavailable;
  - (b) during a vacancy in the office of Chief Coroner;
  - (c) at any other time, with the consent of the Chief Coroner.
- (2) Accordingly a reference in this Part to the Chief Coroner is to be read, where appropriate, as including a Deputy Chief Coroner.

**Commencement Information**

**I8** Sch. 8 para. 8 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

*Staff*

- 9 (1) The Lord Chancellor must appoint staff to assist the Chief Coroner and any Deputy Chief Coroners in the performance of their functions.
- (2) Such staff are to be appointed on whatever terms and conditions the Lord Chancellor thinks appropriate.

**Commencement Information**

**I9** Sch. 8 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21



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PROSPECTIVE

## SCHEDULE 9

Section 38

### MEDICAL ADVISER AND DEPUTY MEDICAL ADVISERS TO THE CHIEF CORONER

#### *Appointment and functions of Medical Adviser to the Chief Coroner*

- 1 The Lord Chancellor may appoint a person as Medical Adviser to the Chief Coroner (“the Medical Adviser”) to provide advice and assistance to the Chief Coroner as to medical matters in relation to the coroner system.

#### *Appointment and functions of Deputy Medical Advisers to the Chief Coroner*

- 2 (1) The Lord Chancellor may appoint however many Deputy Medical Advisers to the Chief Coroner (“Deputy Medical Advisers”) the Lord Chancellor thinks appropriate.
- (2) A Deputy Medical Adviser may perform any functions of the Medical Adviser—
- (a) during a period when the Medical Adviser is absent or unavailable;
  - (b) during a vacancy in the office of Medical Adviser;
  - (c) at any other time, with the consent of the Medical Adviser.

#### *Qualification for appointment*

- 3 A person may be appointed as the Medical Adviser or as a Deputy Medical Adviser only if, at the time of the appointment, he or she—
- (a) is a registered medical practitioner and has been throughout the previous 5 years, and
  - (b) practises as such or has done within the previous 5 years.

#### *Consultation before making appointment*

- 4 Before appointing a person as the Medical Adviser or as a Deputy Medical Adviser, the Lord Chancellor must consult—
- (a) the Chief Coroner, and
  - (b) the Welsh Ministers.

#### *Terms and conditions of appointment*

- 5 The appointment of a person as the Medical Adviser or as a Deputy Medical Adviser is to be on whatever terms and conditions the Lord Chancellor thinks appropriate.

#### *Remuneration, allowances and expenses*

- 6 (1) The Lord Chancellor may pay to the Medical Adviser—
- (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;

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- (b) amounts determined by the Lord Chancellor towards expenses incurred in performing functions as such.
- (2) The Lord Chancellor may pay to a Deputy Medical Adviser—
  - (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred by that Deputy Medical Adviser in performing functions as such.

VALID FROM 25/07/2013

## SCHEDULE 10

Section 41

### INVESTIGATION BY CHIEF CORONER OR CORONER FOR TREASURE OR BY JUDGE, FORMER JUDGE OR FORMER CORONER

#### *Investigation by Chief Coroner*

- 1 (1) The Chief Coroner may conduct an investigation into a person's death.
- (2) Where the Chief Coroner is responsible for conducting an investigation by virtue of this paragraph—
  - (a) the Chief Coroner has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
  - (b) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.
- (3) Accordingly a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including the Chief Coroner exercising functions by virtue of this paragraph.

PROSPECTIVE

#### *Investigation by Coroner for Treasure*

- 2 (1) The Chief Coroner may direct the Coroner for Treasure to conduct an investigation into a person's death.
- (2) Where a direction is given under this paragraph—
  - (a) the Coroner for Treasure must conduct the investigation;
  - (b) the Coroner for Treasure has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
  - (c) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.

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- (3) Accordingly, a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including the Coroner for Treasure exercising functions by virtue of this paragraph.

*Investigation by judge, former judge or former coroner*

- 3 (1) If requested to do so by the Chief Coroner, the Lord Chief Justice may nominate a person within sub-paragraph (2) to conduct an investigation into a person's death.
- (2) A person is within this sub-paragraph if at the time of the nomination he or she is—
- (a) a judge of the High Court,
  - (b) a Circuit judge, or
  - (c) a person who has held office as a judge of the Court of Appeal or of the High Court (but no longer does so),
- and is under the age of 75.
- (3) The Chief Coroner may request a person who at the time of the request—
- (a) has held office as a senior coroner (but no longer does so), and
  - (b) is under the age of 75,
- to conduct an investigation into a person's death.
- (4) If a person nominated or requested under this paragraph agrees to conduct the investigation—
- (a) that person is under a duty to do so;
  - (b) that person has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
  - (c) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.
- (5) Accordingly a reference in a statutory provision (whenever made) to a coroner is to be read, where appropriate, as including a person who has been nominated or requested under this paragraph to conduct an investigation and has agreed to do so.
- (6) The Lord Chief Justice must consult the Lord Chancellor before making a nomination under this paragraph.

PROSPECTIVE

*Appeals*

F54

**Textual Amendments**

**F5** Sch. 10 para. 4 repealed (14.2.2012) by Public Bodies Act 2011 (c. 24), ss. 33(2), 38(1)

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*Investigations already begun*

- 5 A reference in this Schedule to conducting an investigation, in the case of an investigation that has already begun, is to be read as a reference to continuing to conduct the investigation.

VALID FROM 29/02/2016

SCHEDULE 11

Section 49

AMENDMENTS TO THE CORONERS ACT (NORTHERN IRELAND) 1959

*Witnesses and evidence*

- 1 In the Coroners Act (Northern Ireland) 1959 (c. 15), for section 17 (witnesses to be summoned) substitute—

**“17A Power to require evidence to be given or produced**

- (1) A coroner who proceeds to hold an inquest may by notice require a person to attend at a time and place stated in the notice and—
- (a) to give evidence at the inquest,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the inquest.
- (2) A coroner who is making any investigation to determine whether or not an inquest is necessary, or who proceeds to hold an inquest, may by notice require a person, within such period as the coroner thinks reasonable—
- (a) to provide evidence to the coroner, about any matters specified in the notice, in the form of a written statement,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the investigation or inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the investigation or inquest.
- (3) A notice under subsection (1) or (2) shall—
- (a) explain the possible consequences, under subsection (6), of not complying with the notice;
  - (b) indicate what the recipient of the notice should do if he wishes to make a claim under subsection (4).
- (4) A claim by a person that—
- (a) he is unable to comply with a notice under this section, or

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- (b) it is not reasonable in all the circumstances to require him to comply with such a notice,  
is to be determined by the coroner, who may revoke or vary the notice on that ground.
- (5) In deciding whether to revoke or vary a notice on the ground mentioned in subsection (4)(b), the coroner shall consider the public interest in the information in question being obtained for the purposes of the inquest, having regard to the likely importance of the information.
- (6) A coroner may impose a fine not exceeding £1000 on a person who fails without reasonable excuse to do anything required by a notice under subsection (1) or (2).
- (7) For the purposes of this section a document or thing is under a person's control if it is in the person's possession or if he has a right to possession of it.
- (8) Nothing in this section shall prevent a person who has not been given a notice under subsection (1) or (2) from giving or producing any evidence, document or other thing.

#### **17B Giving or producing evidence: further provision**

- (1) The power of a coroner under section 17A(6) is additional to, and does not affect, any other power the coroner may have—
- (a) to compel a person to appear before him;
  - (b) to compel a person to give evidence or produce any document or other thing;
  - (c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.
- But a person may not be fined under that section and also be punished under any such other power.
- (2) A person may not be required to give or produce any evidence or document under section 17A if—
- (a) he could not be required to do so in civil proceedings in a court in Northern Ireland, or
  - (b) the requirement would be incompatible with a Community obligation.
- (3) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an inquest as they apply in relation to civil proceedings in a court in Northern Ireland.

#### **17C Offences relating to evidence**

- (1) It is an offence for a person to do anything that is intended to have the effect of—
- (a) distorting or otherwise altering any evidence, document or other thing that is given or produced for the purposes of any investigation or inquest under this Act, or

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2	<p style="margin-left: 40px;">(b) preventing any evidence, document or other thing from being given or produced for the purposes of such an investigation or inquest,</p> <p style="margin-left: 40px;">or to do anything that the person knows or believes is likely to have that effect.</p> <p>(2) It is an offence for a person—</p> <p style="margin-left: 40px;">(a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or</p> <p style="margin-left: 40px;">(b) intentionally to alter or destroy such a document.</p> <p>(3) For the purposes of subsection (2) a document is a “relevant document” if it is likely that a coroner making any investigation or holding an inquest would (if aware of its existence) wish to be provided with it.</p> <p>(4) A person does not commit an offence under subsection (1) or (2) by doing anything that is authorised or required—</p> <p style="margin-left: 40px;">(a) by a coroner, or</p> <p style="margin-left: 40px;">(b) by virtue of section 17B(2) or (3) or any privilege that applies.</p> <p>(5) Proceedings for an offence under subsection (1) or (2) may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.</p> <p>(6) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.”</p> <p>Omit sections 19 (service of summonses) and 20 (provisions as to witnesses) of that Act.</p>
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## SCHEDULE 12

Section 61

### ENCOURAGING OR ASSISTING SUICIDE: PROVIDERS OF INFORMATION SOCIETY SERVICES

#### *Domestic service providers: extension of liability*

- 1 (1) This paragraph applies where a service provider is established in England and Wales (an “E&W service provider”).
- (2) Section 2 of the Suicide Act 1961 (c. 60) (criminal liability for complicity in another's suicide) applies to an E&W service provider who—
- (a) does an act, in an EEA state other than the United Kingdom, which is capable of encouraging or assisting the suicide or attempted suicide of another person and which is intended to encourage or assist suicide or an attempt at suicide, and
- (b) does that act in the course of providing information society services, as well as to persons (of any description) who do such acts in England and Wales.
- (3) In the case of an offence under that section, as it applies to an E&W service provider by virtue of sub-paragraph (2)—

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- (a) proceedings for the offence may be taken at any place in England and Wales, and
  - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (4) Nothing in this paragraph is to be read as affecting the operation of any of paragraphs 4 to 6.

#### Commencement Information

**I10** Sch. 12 para. 1 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

- 2
- (1) This paragraph applies where a service provider is established in Northern Ireland (a “NI service provider”).
  - (2) Section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) (criminal liability for complicity in another's suicide) applies to a NI service provider who—
    - (a) does an act, in an EEA state other than the United Kingdom, which is capable of encouraging or assisting the suicide or attempted suicide of another person and which is intended to encourage or assist suicide or an attempt at suicide, and
    - (b) does that act in the course of providing information society services, as well as to persons (of any description) who do such acts in Northern Ireland.
  - (3) In the case of an offence under that section, as it applies to a NI service provider by virtue of sub-paragraph (2)—
    - (a) proceedings for the offence may be taken at any place in Northern Ireland, and
    - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
  - (4) Nothing in this paragraph is to be read as affecting the operation of any of paragraphs 4 to 6.

#### Commencement Information

**I11** Sch. 12 para. 2 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

#### *Non-UK service providers: restriction on institution of proceedings*

- 3
- (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a “non-UK service provider”).
  - (2) Proceedings for a relevant offence may not be instituted against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is satisfied.
  - (3) “Relevant offence” means an offence under—
    - (a) section 2 of the Suicide Act 1961 (c. 60) (criminal liability for complicity in another's suicide), or
    - (b) section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) (criminal liability for complicity in another's suicide).

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) The derogation condition is satisfied where the institution of proceedings—
- (a) is necessary for the purposes of the public interest objective,
  - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
  - (c) is proportionate to that objective.
- (5) “The public interest objective” means the pursuit of public policy.

**Commencement Information**

**I12** Sch. 12 para. 3 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

*Exceptions for mere conduits*

- 4 (1) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
  - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
  - (b) select the recipient of the transmission, or
  - (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
  - (b) the transmission of information in a communication network,
- includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

**Commencement Information**

**I13** Sch. 12 para. 4 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

*Exception for caching*

- 5 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of a relevant offence in respect of the automatic, intermediate and temporary storage of information so provided, if—



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- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
  - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) (where sub-paragraph (4) applies) expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

#### Commencement Information

**I14** Sch. 12 para. 5 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

#### *Exception for hosting*

- 6 (1) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if—
- (a) the service provider had no actual knowledge when the information was provided that the information was capable of, and provided with the intention of, encouraging or assisting suicide or an attempt at suicide, or
  - (b) on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to the information.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

#### Commencement Information

**I15** Sch. 12 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

#### *Interpretation*

- 7 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Relevant offence” has the same meaning as in paragraph 3.
- (3) “Information society services”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and

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of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

and “the E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

- (4) “Recipient”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.
- (5) “Service provider” means a person providing an information society service.
- (6) For the purpose of construing references in this Schedule to a service provider who is established in a part of the United Kingdom or in some other EEA state—
- (a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—
- (i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and
- (ii) is a national of an EEA state or a company or firm mentioned in [<sup>F6</sup>Article 54 of the Treaty on the Functioning of the European Union];
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider’s activities relating to that service.

#### **Textual Amendments**

**F6** Words in Sch. 12 para. 7(6)(a)(ii) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

#### **Commencement Information**

**I16** Sch. 12 para. 7 in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), **Sch. para. 22**

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 13

Section 68

### PROHIBITED IMAGES: PROVIDERS OF INFORMATION SOCIETY SERVICES

#### *Domestic service providers: extension of liability*

- 1 (1) This paragraph applies where a service provider is established in England and Wales or Northern Ireland (a “domestic service provider”).
- (2) Section 62(1) applies to a domestic service provider who—
- (a) is in possession, in an EEA state other than the United Kingdom, of a prohibited image of a child, and
  - (b) is in possession of it there in the course of providing information society services,
- as well as to persons (of any description) who are in possession of such images in England and Wales or Northern Ireland.
- (3) In the case of an offence under section 62(1), as it applies to a domestic service provider by virtue of sub-paragraph (2)—
- (a) proceedings for the offence may be taken at any place in England and Wales or Northern Ireland, and
  - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (4) Nothing in this paragraph is to be read as affecting the operation of any of paragraphs 3 to 5.

#### **Commencement Information**

**I17** Sch. 13 para. 1 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

#### *Non-UK service providers: restriction on institution of proceedings*

- 2 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a “non-UK service provider”).
- (2) Proceedings for an offence under section 62(1) may not be instituted against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is satisfied.
- (3) The derogation condition is satisfied where the institution of proceedings—
- (a) is necessary for the purposes of the public interest objective,
  - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
  - (c) is proportionate to that objective.
- (4) “The public interest objective” means the pursuit of public policy.

#### **Commencement Information**

**I18** Sch. 13 para. 2 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Exceptions for mere conduits*

- 3 (1) A service provider is not capable of being guilty of an offence under section 62(1) in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
  - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
  - (b) select the recipient of the transmission, or
  - (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
  - (b) the transmission of information in a communication network,
- includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

**Commencement Information**

**I19** Sch. 13 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Exception for caching*

- 4 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of an offence under section 62(1) in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
  - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) (where sub-paragraph (4) applies) expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—

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- (a) the information at the initial source of the transmission has been removed from the network,
- (b) access to it has been disabled, or
- (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

**Commencement Information**

**I20** Sch. 13 para. 4 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Exception for hosting*

- 5 (1) A service provider is not capable of being guilty of an offence under section 62(1) in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if—
- (a) the service provider had no actual knowledge when the information was provided that it contained offending material, or
  - (b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.
- (2) “Offending material” means material the possession of which constitutes an offence under section 62(1).
- (3) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

**Commencement Information**

**I21** Sch. 13 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Interpretation*

- 6 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Prohibited image of a child” has the same meaning as in section 62.
- (3) “Information society services”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
  - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;
- and “the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

*Status: Point in time view as at 08/10/2012.*

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- (4) “Recipient”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.
- (5) “Service provider” means a person providing an information society service.
- (6) For the purpose of construing references in this Schedule to a service provider who is established in a part of the United Kingdom or in some other EEA state—
- (a) a service provider is established in a particular part of the United Kingdom, or in a particular EEA state, if the service provider—
    - (i) effectively pursues an economic activity using a fixed establishment in that part of the United Kingdom, or that EEA state, for an indefinite period, and
    - (ii) is a national of an EEA state or a company or firm mentioned in [<sup>F7</sup>Article 54 of the Treaty on the Functioning of the European Union];
  - (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
  - (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.

#### Textual Amendments

**F7** Words in Sch. 13 para. 6(6)(a)(ii) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

#### Commencement Information

**I22** Sch. 13 para. 6 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, **Sch. para. 16**

## SCHEDULE 14

Section 99

### SCHEDULE 1A TO THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

#### Commencement Information

**I23** Sch. 14 in force at 27.6.2011 by [S.I. 2011/1452](#), art. 2(f)

The following is the Schedule to be inserted as Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (c. 23)—

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## “SCHEDULE 1A

### RELEVANT OFFENCES FOR THE PURPOSES OF SECTION 17

#### *Murder and manslaughter*

- 1 Murder in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 2 Manslaughter in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 3 Murder or manslaughter in a case (other than a case falling within paragraph 1 or 2) where it is alleged that—
  - (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
  - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

#### *Offences against the Person Act 1861 (c. 100)*

- 4 An offence under section 18 of the Offences against the Person Act 1861 (wounding with intent to cause grievous bodily harm etc) in a case where it is alleged that a firearm or knife was used to cause the wound or harm in question.
- 5 An offence under section 20 of that Act (malicious wounding) in a case where it is alleged that a firearm or knife was used to cause the wound or inflict the harm in question.
- 6 An offence under section 38 of that Act (assault with intent to resist arrest) in a case where it is alleged that a firearm or knife was used to carry out the assault in question.
- 7 An offence under section 47 of the Offences against the Person Act 1861 (assault occasioning actual bodily harm) in a case where it is alleged that a firearm or knife was used to inflict the harm in question.
- 8 An offence under section 18, 20, 38 or 47 of the Offences against the Person Act 1861 in a case (other than a case falling within any of paragraphs 4 to 7) where it is alleged that—
  - (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
  - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

#### *Prevention of Crime Act 1953 (c. 14)*

- 9 An offence under section 1 of the Prevention of Crime Act 1953 (having an offensive weapon in a public place).

#### *Firearms Act 1968 (c. 27)*

- 10 An offence under section 1 of the Firearms Act 1968 (requirement of firearm certificate).
- 11 An offence under section 2(1) of that Act (possession etc of a shot gun without a certificate).

*Status: Point in time view as at 08/10/2012.*

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- 12 An offence under section 3 of that Act (business and other transactions with firearms and ammunition).
- 13 An offence under section 4 of that Act (conversion of weapons).
- 14 An offence under section 5(1) of that Act (weapons subject to general prohibition).
- 15 An offence under section 5(1A) of that Act (ammunition subject to general prohibition).
- 16 An offence under section 16 of that Act (possession with intent to injure).
- 17 An offence under section 16A of that Act (possession with intent to cause fear of violence).
- 18 An offence under section 17 of that Act (use of firearm to resist arrest).
- 19 An offence under section 18 of that Act (carrying firearm with criminal intent).
- 20 An offence under section 19 of that Act (carrying firearm in a public place).
- 21 An offence under section 20 of that Act (trespassing with firearm).
- 22 An offence under section 21 of that Act (possession of firearms by person previously convicted of crime).
- 23 An offence under section 21A of that Act (firing an air weapon beyond premises).
- 24 An offence under section 24A of that Act (supplying imitation firearms to minors).

*Criminal Justice Act 1988 (c. 33)*

- 25 An offence under section 139 of the Criminal Justice Act 1988 (having article with blade or point in public place).
- 26 An offence under section 139A of that Act (having article with blade or point (or offensive weapon) on school premises).

*Violent Crime Reduction Act 2006 (c. 38)*

- 27 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon).
- 28 An offence under section 32 of that Act (sales of air weapons by way of trade or business to be face to face).
- 29 An offence under section 36 of that Act (manufacture, import and sale of realistic imitation firearms).

*General*

- 30 A reference in any of paragraphs 1 to 8 to an offence (“offence A”) includes—
  - (a) a reference to an attempt to commit offence A in a case where it is alleged that it was attempted to commit offence A in the manner or circumstances described in that paragraph,
  - (b) a reference to a conspiracy to commit offence A in a case where it is alleged that the conspiracy was to commit offence A in the manner or circumstances described in that paragraph,
  - (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed in a case where it is alleged that the



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- person intended or believed offence A would be committed in the manner or circumstances described in that paragraph, and
- (d) a reference to aiding, abetting, counselling or procuring the commission of offence A in a case where it is alleged that offence A was committed, or the act or omission charged in respect of offence A was done or made, in the manner or circumstances described in that paragraph.
- 31 A reference in any of paragraphs 9 to 29 to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
- (b) a reference to a conspiracy to commit offence A,
- (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
- (d) a reference to aiding, abetting, counselling or procuring the commission of offence A.

#### *Interpretation*

- 32 In this Schedule—
- “firearm” has the meaning given by section 57 of the Firearms Act 1968;
- “knife” has the meaning given by section 10 of the Knives Act 1997.”

### SCHEDULE 15

Section 118

#### THE SENTENCING COUNCIL FOR ENGLAND AND WALES

#### *Constitution of the Council*

- 1 The Council is to consist of—
- (a) 8 members appointed by the Lord Chief Justice with the agreement of the Lord Chancellor (“judicial members”);
- (b) 6 members appointed by the Lord Chancellor with the agreement of the Lord Chief Justice (“non-judicial members”).

#### **Commencement Information**

**I24** Sch. 15 para. 1 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Appointment of a person to chair the Council etc*

- 2 The Lord Chief Justice must, with the agreement of the Lord Chancellor, appoint—
- (a) a judicial member to chair the Council (“the chairing member”), and
- (b) another judicial member to chair the Council in the absence of the chairing member.

#### **Commencement Information**

**I25** Sch. 15 para. 2 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

*Status: Point in time view as at 08/10/2012.*

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### *Appointment of judicial members*

- 3 (1) A person is eligible for appointment as a judicial member if the person is—
- (a) a judge of the Court of Appeal,
  - (b) a puisne judge of the High Court,
  - (c) a Circuit judge,
  - (d) a District Judge (Magistrates' Courts), or
  - (e) a lay justice.
- (2) The judicial members must include at least one Circuit judge, one District Judge (Magistrates' Courts) and one lay justice.
- (3) When appointing judicial members, the Lord Chief Justice must have regard to the desirability of the judicial members including at least one person who appears to the Lord Chief Justice to have responsibilities relating to the training of judicial office-holders who exercise criminal jurisdiction in England and Wales.
- (4) “Judicial office-holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005 (c. 4).

#### **Commencement Information**

**I26** Sch. 15 para. 3 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

### *Appointment of non-judicial members*

- 4 (1) A person is eligible for appointment as a non-judicial member if the person appears to the Lord Chancellor to have experience in one or more of the following areas—
- (a) criminal defence;
  - (b) criminal prosecution;
  - (c) policing;
  - (d) sentencing policy and the administration of justice;
  - (e) the promotion of the welfare of victims of crime;
  - (f) academic study or research relating to criminal law or criminology;
  - (g) the use of statistics;
  - (h) the rehabilitation of offenders.
- (2) The persons eligible for appointment as a non-judicial member by virtue of experience of criminal prosecution include the Director of Public Prosecutions.

#### **Commencement Information**

**I27** Sch. 15 para. 4 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

### *President of the Council*

- 5 (1) The Lord Chief Justice is to have the title of President of the Sentencing Council for England and Wales.
- (2) The President is not a member of the Council.

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- I28** Sch. 15 para. 5 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)  
**I29** Sch. 15 para. 5 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

#### *Lord Chancellor's representative*

- 6 (1) The Lord Chancellor may appoint a person to attend and speak at any meeting of the Council.
- (2) The person appointed under sub-paragraph (1) must be a person appearing to the Lord Chancellor to have experience of sentencing policy.

#### Commencement Information

- I30** Sch. 15 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Terms of appointment*

- 7 (1) The Lord Chancellor may by order make provision—
- (a) as to the term of office, resignation and re-appointment of judicial members and non-judicial members;
  - (b) enabling the Lord Chancellor to remove a judicial member from office, with the agreement of the Lord Chief Justice, on the grounds of incapacity or misbehaviour;
  - (c) enabling the Lord Chancellor to remove a non-judicial member from office on the grounds of incapacity or misbehaviour.
- (2) The following provisions apply to an order under sub-paragraph (1)—
- (a) if the order includes provision falling within sub-paragraph (1)(a), the Lord Chancellor must consult the Lord Chief Justice about that provision before making the order;
  - (b) if the order includes provision falling within sub-paragraph (1)(b), the order may not be made unless the Lord Chief Justice agrees to the inclusion of that provision.

#### Commencement Information

- I31** Sch. 15 para. 7 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)  
**I32** Sch. 15 para. 7 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

#### *Vacancies etc*

- 8 The validity of anything done by the Council is not affected by any vacancy among its members, by any defect in the appointment of a member or by any failure to comply with paragraph 2, 3 or 4.

*Status: Point in time view as at 08/10/2012.*

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#### Commencement Information

**I33** Sch. 15 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 17

#### *Remuneration etc*

- 9 (1) The Lord Chancellor may pay—
- (a) to any judicial member who is appointed by virtue of being a lay justice, such remuneration or expenses as the Lord Chancellor may determine, and
  - (b) to any other judicial member, such expenses as the Lord Chancellor may determine.
- (2) The Lord Chancellor may pay to any non-judicial member such remuneration or expenses as the Lord Chancellor may determine (except that, where the Director of Public Prosecutions is such a member, no remuneration may be paid to the Director).

#### Commencement Information

**I34** Sch. 15 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Interpretation*

- 10 In this Schedule “lay justice” means a justice of the peace who is not a District Judge (Magistrates' Courts).

#### Commencement Information

**I35** Sch. 15 para. 10 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)

**I36** Sch. 15 para. 10 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

VALID FROM 13/04/2015

### SCHEDULE 16

Section 137

#### EXTENSION OF DISQUALIFICATION FOR DRIVING

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### SCHEDULE 17

Section 144

#### TREATMENT OF CONVICTIONS IN OTHER MEMBER STATES ETC

#### *Evidence of bad character*

- 1 (1) The Criminal Justice Act 2003 (c. 44) is amended as follows.

*Status: Point in time view as at 08/10/2012.*

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(2) In section 103 (matter in issue between the defendant and the prosecution), after subsection (6) add—

“(7) Where—

- (a) a defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the trial for the offence with which the defendant is now charged (“the current offence”),

subsection (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.

(8) For the purposes of subsection (2)—

- (a) the previous offence is of the same description as the current offence if the corresponding offence is of that same description, as set out in subsection (4)(a);
- (b) the previous offence is of the same category as the current offence if the current offence and the corresponding offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).

(9) For the purposes of subsection (10) “foreign service offence” means an offence which—

- (a) was the subject of proceedings under the service law of a country outside the United Kingdom, and
- (b) would constitute an offence under the law of England and Wales or a service offence (“the corresponding domestic offence”) if it were done in England and Wales by a member of Her Majesty's forces at the time of the trial for the offence with which the defendant is now charged (“the current offence”).

(10) Where a defendant has been found guilty of a foreign service offence (“the previous service offence”), for the purposes of subsection (2)—

- (a) the previous service offence is an offence of the same description as the current offence if the corresponding domestic offence is of that same description, as set out in subsection (4)(a);
- (b) the previous service offence is an offence of the same category as the current offence if the current offence and the corresponding domestic offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).

(11) In this section—

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“service law”, in relation to a country outside the United Kingdom, means the law governing all or any of the naval, military or air forces of that country.”

(3) In section 108 (offences committed by defendant when a child), after subsection (2) insert—

“(2A) Subsection (2B) applies where—

*Status: Point in time view as at 08/10/2012.*

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- (a) the defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the proceedings for the offence with which the defendant is now charged.

(2B) For the purposes of subsection (2), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

#### Commencement Information

I37 Sch. 17 para. 1 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(i)

- 2 (1) The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)) is amended as follows.
- (2) In Article 8 (matter in issue between the defendant and the prosecution), after paragraph (6) add—
- “(7) Where—
- (a) a defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
  - (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the trial for the offence with which the defendant is now charged (“the current offence”),
- paragraph (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.
- (8) For the purposes of paragraph (2)—
- (a) the previous offence is of the same description as the current offence, if the corresponding offence is of that same description, as set out in paragraph (4)(a);
  - (b) the previous offence is of the same category as the current offence, if the current offence and the corresponding offence belong to the same category of offences prescribed as mentioned in paragraph (4) (b).”
- (3) In Article 13 (offences committed by a defendant when a child), after paragraph (1) insert—
- “(1A) Paragraph (1B) applies where—
- (a) the defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
  - (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the proceedings for the offence with which the defendant is now charged.
- (1B) For the purposes of paragraph (1), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I38** Sch. 17 para. 2 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(i)

#### *Bail*

- 3 (1) Section 25 of the Criminal Justice and Public Order Act 1994 (c. 33) (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) This section applies in the circumstances described in subsection (3A) or (3B) only.
- (3A) This section applies where—
- (a) the person has been previously convicted by or before a court in any part of the United Kingdom of any offence within subsection (2) or of culpable homicide, and
  - (b) if that previous conviction is one of manslaughter or culpable homicide—
    - (i) the person was then a child or young person, and was sentenced to long-term detention under any of the relevant enactments, or
    - (ii) the person was not then a child or young person, and was sentenced to imprisonment or detention.
- (3B) This section applies where—
- (a) the person has been previously convicted by or before a court in another member State of any relevant foreign offence corresponding to an offence within subsection (2) or to culpable homicide, and
  - (b) if the previous conviction is of a relevant foreign offence corresponding to the offence of manslaughter or culpable homicide—
    - (i) the person was then a child or young person, and was sentenced to detention for a period in excess of 2 years, or
    - (ii) the person was not then a child or young person, and was sentenced to detention.”
- (3) In subsection (5), omit “and” at the end of the definition of “conviction”, and at the end insert—
- ““relevant foreign offence”, in relation to a member State other than the United Kingdom, means an offence under the law in force in that member State.”
- (4) After that subsection insert—
- “(5A) For the purposes of subsection (3B), a relevant foreign offence corresponds to another offence if the relevant foreign offence would have constituted that other offence if it had been done in any part of the United Kingdom at the time when the relevant foreign offence was committed.”

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

**I39** Sch. 17 para. 3 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(ii)

VALID FROM 28/05/2013

#### *Decision as to allocation*

- 4 (1) Section 19 of the Magistrates' Courts Act 1980 (c. 43) (decision as to allocation) (as substituted by Schedule 3 to the Criminal Justice Act 2003 (c. 44)) is amended as follows.
- (2) In subsection (5), omit “or” at the end of paragraph (a) and insert—  
“(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State; or”.
- (3) After that subsection insert—  
“(5A) For the purposes of subsection (5)(aa) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time when the allocation decision is made.”
- 5 (1) Paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) (as amended by Schedule 3 to the Criminal Justice Act 2003) is amended as follows.
- (2) In sub-paragraph (5), omit “or” at the end of paragraph (a) and insert—  
“(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State, or”.
- (3) After that sub-paragraph, insert—  
“(5A) For the purposes of sub-paragraph (5)(aa) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time when the allocation decision is made.”

#### *Seriousness*

- 6 (1) Section 143 of the Criminal Justice Act 2003 (determining the seriousness of an offence) is amended as follows.
- (2) In subsection (4)—
- (a) omit “or” at the end of paragraph (a) and insert—  
“(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State,” and
- (b) after paragraph (b) insert “or
- (c) a finding of guilt in respect of a member State service offence.”



*Status: Point in time view as at 08/10/2012.*

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(3) For subsection (5) substitute—

“(5) Subsections (2) and (4) do not prevent the court from treating—

- (a) a previous conviction by a court outside both the United Kingdom and any other member State, or
  - (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence,
- as an aggravating factor in any case where the court considers it appropriate to do so.

(6) For the purposes of this section—

- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction of the defendant for the current offence,
- (b) “member State service offence” means an offence which—
  - (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
  - (ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence (within the meaning of the Armed Forces Act 2006), if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence,
- (c) “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006, and
- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

#### Commencement Information

**I40** Sch. 17 para. 6 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iii)

7 (1) Section 238 of the Armed Forces Act 2006 (c. 52) (deciding the seriousness of an offence) is amended as follows.

(2) In subsection (3)—

- (a) omit “or” at the end of paragraph (a), and
- (b) at the end of paragraph (b), insert—
  - “(c) a previous conviction by a court in a member State other than the United Kingdom of a relevant offence under the law of that State, or
  - (d) a finding of guilt in respect of a member State service offence.”

(3) For subsection (4) substitute—

“(4) Nothing in this section prevents the court or officer from treating—

- (a) a previous conviction by a court outside both the British Islands and any member State, or

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- (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence or a member State service offence,
- as an aggravating factor in any case where the court or officer considers it appropriate to do so.
- (5) For the purposes of this section—
- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction in respect of the current offence,
- (b) “member State service offence” means an offence which—
- (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
  - (ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence, if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence, and
- (c) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

#### Commencement Information

**I41** Sch. 17 para. 7 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iii)

PROSPECTIVE

#### *Availability of community orders*

F118

#### Textual Amendments

**F11** Sch. 17 para. 8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F129

#### Textual Amendments

**F12** Sch. 17 para. 9 repealed (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 5; S.I. 2012/669, art. 4(f)(i)

*Status: Point in time view as at 08/10/2012.*

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*Required custodial sentences for certain offences*

- 10 (1) Chapter 3 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is amended as follows.
- (2) In section 110 (minimum sentence of 7 years for third class A drug trafficking offence)—
- (a) in subsection (1)(b), for “been convicted” to the end substitute “ 2 relevant drug convictions; and ”, and
- (b) after subsection (2) insert—
- “(2A) For the purposes of subsection (1)—
- (a) a “relevant drug conviction” means—
- (i) a conviction in any part of the United Kingdom of a class A drug trafficking offence, or
- (ii) a conviction in another member State of an offence which was committed after the relevant date and would, if done in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence; and
- (b) “the relevant date” means the date on which this subsection comes into force.”
- (3) In section 111 (minimum of 3 years for third domestic burglary)—
- (a) in subsection (1)—
- (i) in paragraph (b), for “been convicted” to the end substitute “ 2 relevant domestic burglary convictions; and ”, and
- (ii) in paragraph (c), for “30th November 1999” substitute “ the relevant date ”, and
- (b) after subsection (2) insert—
- “(2A) For the purposes of subsection (1)—
- (a) a “relevant domestic burglary conviction” means—
- (i) a conviction in England and Wales of a domestic burglary, or
- (ii) a conviction in any other part of the United Kingdom or any other member State of an offence which would, if done in England and Wales at the time of the conviction, have constituted domestic burglary;
- (b) “the relevant date”, in relation to a relevant domestic burglary conviction, means—
- (i) in respect of a conviction in England and Wales, 30 November 1999, and
- (ii) in any other case, the day on which this subsection comes into force.”
- (4) In section 113 (certificates of conviction for the purposes of Chapter 3)—
- (a) after subsection (1) insert—
- “(1A) Where—
- (a) a person is convicted—

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- (i) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,
    - (ii) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or
    - (iii) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence,
  - (b) in the case of a conviction by or before a court in the United Kingdom, it is stated in open court that the person has been convicted of such an offence on that date, and
  - (c) the court by or before which the person is convicted certifies, by way of a certificate signed by the proper officer of the court, the fact that the person has been convicted of such an offence on that date,”the certificate is evidence, for the purposes of the relevant section of this Chapter, that the person was convicted of such an offence on that date.”,
- (b) after subsection (2) insert—
  - “(2A) Where—
    - (a) a person is convicted—
      - (i) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,
      - (ii) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or
      - (iii) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence,
    - (b) in the case of a conviction by or before a court in the United Kingdom, it is stated in open court that the offence was committed on a particular day or over, or at some time during, a particular period, and
    - (c) the court by or before which the person is convicted certifies, by way of a certificate signed by the proper officer of the court, that the offence was committed on a particular day or over, or at some time during, a particular period,”the certificate is evidence, for the purposes of the relevant section of this Chapter, that the offence was committed on that day or over, or at some time during, that period.”, and
- (c) in subsection (3)—
  - (i) at the beginning of the definitions insert—
    - ““proper officer” means the clerk of the court, that clerk's deputy or any other person having custody of the court record;”, and
  - (ii) omit “and” at the end of the definition of “class A drug trafficking offence” and “domestic burglary”, and after those definitions insert—

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““corresponding drug trafficking offence” means an offence within section 110(2A)(a)(ii);

“corresponding domestic burglary offence” means an offence within section 111(2A)(a)(ii); and”.

(5) In section 114 (offences under service law) (as substituted by Schedule 16 to the Armed Forces Act 2006 (c. 52))—

(a) after subsection (1) insert—

“(1A) Where—

- (a) a person has at any time been found guilty of a member State service offence committed after the relevant date, and
- (b) the corresponding UK offence was a class A drug trafficking offence or a domestic burglary,

the relevant section of this Chapter and subsection (1) above shall have effect as if the person had at that time been convicted in England and Wales of that corresponding UK offence.

(1B) For the purposes of subsection (1A)—

- (a) “member State service offence” means an offence which—
  - (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
  - (ii) at the time it was done would have constituted an offence under the law of any part of the United Kingdom, or an offence under section 42 of the Armed Forces Act 2006, if it had been done in any part of the United Kingdom by a member of Her Majesty's forces (“the corresponding UK offence”);
- (b) “relevant date” means—
  - (i) where the corresponding UK offence was a class A drug trafficking offence, the relevant date referred to in section 110(2A)(b), and
  - (ii) where the corresponding UK offence was a domestic burglary, the relevant date referred to in section 111(2A)(b)(ii);
- (c) “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;
- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”, and”

(b) after subsection (3) insert—

“(4) Where—

- (a) the corresponding UK offence is an offence under section 42 of the Armed Forces Act 2006 by reason of section 43, 45, 46 or 47 of that Act (attempting, conspiring to commit, inciting, aiding, abetting, counselling or procuring criminal conduct); and

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- (b) the act to which it relates (“the contemplated act”) is not an act that is (or that if done would have been) punishable by the law of England and Wales;
- for the purposes of subsections (1A) and (1B) it must be assumed that the contemplated act amounted to the offence under the law of England and Wales that it would have amounted to if it had been the equivalent act in England or Wales.”

#### Commencement Information

**I42** Sch. 17 para. 10 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iv)

#### *Restriction on imposing custodial sentence or service detention*

- 11 In section 263 of the Armed Forces Act 2006 (c. 52) (restriction on imposing custodial sentence or service detention on unrepresented offender)—
- (a) at the end of subsection (2)(b) insert “, or sentenced to detention by a court in any other member State or for a member State service offence”, and
- (b) at the end of subsection (6)(b) insert—
- “(c) member State service offence” means an offence which—
- (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
- (ii) at the time it was done, would have constituted an offence in any part of the United Kingdom, or a service offence, if it had been done in any part of the United Kingdom by a member of Her Majesty's forces;
- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

#### Commencement Information

**I43** Sch. 17 para. 11 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(v)

#### *Young offenders: referral conditions*

- 12 (1) Section 17 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (referral conditions for young offenders) (as amended by the Criminal Justice and Immigration Act 2008 (c. 4)) is amended as follows.
- (2) For subsection (1)(b) substitute—
- “(b) has never been—
- (i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, or
- (ii) convicted by or before a court in another member State of any offence.”
- (3) In subsection (2A)—

*Status: Point in time view as at 08/10/2012.*

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- (a) after “never” insert “—  
(a)”,  
and
  - (b) at the end insert “, or  
(b) been convicted by or before a court in another member State of any offence.”
- (4) For subsection (2B) substitute—
- “(2B) This subsection is satisfied in relation to the offender if, disregarding the offence and any connected offence—
- (a) the offender —
    - (i) has been dealt with by a UK court for any offence on only one previous occasion, and
    - (ii) was not referred to a youth offender panel under section 16 on that occasion; or
  - (b) the offender has been dealt with by a court in any member State other than the United Kingdom on only one previous occasion.”
- (5) For subsection (2C)(a) substitute—
- “(a) disregarding the offence and any connected offence, the offender has been dealt with by a UK court or a court in another member State for any offence on one or more previous occasions, and has either—
- (i) never been referred to a youth offender panel under section 16 above, or
  - (ii) been referred to a youth offender panel on only one previous occasion;”.

**Commencement Information**

**I44** Sch. 17 para. 12 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vi)

*Proving of foreign convictions before courts in England and Wales*

- 13 (1) Section 73 of the Police and Criminal Evidence Act 1984 (c. 60) (proof of convictions and acquittals) is amended as follows.
- (2) In subsection (1), after “Kingdom” insert “ or any other member State ”.
  - (3) In subsection (2), after paragraph (b) insert “; and  
(c) shall, as regards a conviction or acquittal by a court in a member State (other than the United Kingdom), consist of a certificate, signed by the proper officer of the court where the conviction or acquittal took place, giving details of the offence, of the conviction or acquittal, and of any sentence;”.
  - (4) In subsection (3)—
    - (a) in paragraph (b), after “other court” insert “ in the United Kingdom ”, and
    - (b) after that paragraph add “, and

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“(c) in relation to any court in another member State (“the EU court”), a person who would be the proper officer of the EU court if that court were in the United Kingdom.”

**Commencement Information**

**I45** Sch. 17 para. 13 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

- 14 (1) Section 74 of that Act (conviction as evidence of commission of offence) is amended as follows.
- (2) In subsection (1), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (3) In subsection (2), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (4) In subsection (3)(a) after “Kingdom” insert “ or any other member State ”.

**Commencement Information**

**I46** Sch. 17 para. 14 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

- 15 In section 75 of that Act (provisions supplementary to section 74), for subsection (1) (b) substitute—
- “(b) the contents of—
- (i) the information, complaint, indictment or charge-sheet on which the person in question was convicted, or
- (ii) in the case of a conviction of an offence by a court in a member State (other than the United Kingdom), any document produced in relation to the proceedings for that offence which fulfils a purpose similar to any document or documents specified in sub-paragraph (i),”.

**Commencement Information**

**I47** Sch. 17 para. 15 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

*Proving of foreign convictions before courts in Northern Ireland*

- 16 (1) Article 71 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (proof of convictions and acquittals) is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) Where in any criminal proceedings the fact that a person has in a member State been convicted or acquitted of an offence is admissible in evidence, it may be proved by—
- (a) producing a certificate of conviction or, as the case may be, of acquittal relating to that offence, and



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- (b) proving that the person named in the certificate as having been convicted or acquitted of the offence is the person whose conviction or acquittal of the offence is to be proved.”
- (3) In paragraph (2), after sub-paragraph (b) insert “; and
- “(c) shall, as regards a conviction or acquittal by a court in a member State (other than the United Kingdom), consist of a certificate, signed by the clerk of the court where the conviction or acquittal took place, giving details of the offence, of the conviction or acquittal, and of any sentence;”.

**Commencement Information**

**I48** Sch. 17 para. 16 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

- 17 (1) Article 72 of that Order (conviction as evidence of commission of offence) is amended as follows.
- (2) In paragraph (1), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (3) In paragraph (2), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (4) In paragraph (3)(a), after “Kingdom” insert “ or any other member State ”.

**Commencement Information**

**I49** Sch. 17 para. 17 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

- 18 In Article 73 of that Order (provisions supplementary to Article 72), for paragraph (1)(b) substitute—
- “(b) the contents of—
- (i) the complaint, information, indictment or charge-sheet on which the person in question was convicted, or
- (ii) in the case of a conviction of an offence by a court in a member State (other than the United Kingdom), any document produced in relation to the proceedings for that offence which fulfils a purpose similar to any document or documents specified in paragraph (i).”.

**Commencement Information**

**I50** Sch. 17 para. 18 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

*Status: Point in time view as at 08/10/2012.*

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## SCHEDULE 18

Section 152

### MOTOR VEHICLE ORDERS

The following is the Schedule to be inserted as Schedule 3A to the Access to Justice Act 1999 (c. 22)—

#### “SCHEDULE 3A

### MOTOR VEHICLE ORDERS

#### *Introductory*

- 1 In this Schedule “enforcement regulations” means regulations under section 17A(1) made by virtue of section 17A(2)(e).

#### *Further general powers to regulate motor vehicle orders*

- 2 Enforcement regulations may make provision about or in connection with—
- (a) the procedure for making motor vehicle orders;
  - (b) the matters which must be included in such orders;
  - (c) the fitting of immobilisation devices;
  - (d) the fixing of notices to motor vehicles to which immobilisation devices have been fitted and the content of such notices;
  - (e) the removal and storage of motor vehicles;
  - (f) the release of motor vehicles from immobilisation devices or from storage (including the conditions to be met before a motor vehicle is released);
  - (g) the sale or other disposal of motor vehicles not released;
  - (h) the imposition of charges in connection with—
    - (i) the fitting of immobilisation devices;
    - (ii) the removal, storage, release (whether from immobilisation devices or from storage), sale or disposal of motor vehicles;
  - (i) the recovery of such charges (including provision for them to be recovered from the proceeds of sale of motor vehicles).

#### *Applications*

- 3 Enforcement regulations must provide that a motor vehicle order may be made in relation to an overdue sum only on the application of the person or body to which the overdue sum is payable.

#### *Matters of which court to be satisfied*

- 4 (1) Enforcement regulations must provide that, before a court makes a clamping order in respect of an individual, it must be satisfied—
- (a) that the failure to pay the overdue sum is attributable to the individual's wilful refusal or culpable neglect, and
  - (b) that the value of the motor vehicle or vehicles to be clamped, if sold, would be likely to be an amount which exceeds half of the estimated recoverable amount.
- (2) “The estimated recoverable amount” means the aggregate of—

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- (a) the amount of the overdue sum, and
- (b) the amount of the likely charges due under the enforcement regulations in relation to the motor vehicle or vehicles.

#### *Ownership of motor vehicles*

- 5 (1) Enforcement regulations must provide that a clamping order must not be made except in relation to a motor vehicle which is owned by the individual liable to pay the overdue sum.
- (2) For this purpose a motor vehicle is owned by an individual if the individual has an interest in the motor vehicle.

#### *Motor vehicles used by disabled persons*

- 6 Enforcement regulations must provide that an immobilisation device may not be fitted to a motor vehicle—
- (a) which displays a current disabled person's badge or a current recognised badge, or
  - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.

#### *Restrictions on making vehicle sale orders*

- 7 Enforcement regulations must provide that, where a motor vehicle has been clamped under a clamping order, no vehicle sale order may be made in respect of the motor vehicle before the end of the period specified in the regulations.

#### *Interpretation*

- 8 In this Schedule—
- “disabled person's badge” means a badge issued, or having effect as if issued, under regulations made under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);
  - “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);
  - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts;
  - “recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain);
- and “clamped”, “clamping order”, “motor vehicle order”, “overdue sum” and “vehicle sale order” are to be construed in accordance with section 17A.”

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## SCHEDULE 19

Section 169

### EXPLOITATION PROCEEDS INVESTIGATIONS

- 1 Part 8 of the Proceeds of Crime Act 2002 (c. 29) (investigations) is amended as follows.

#### Commencement Information

**I51** Sch. 19 para. 1 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 2 In section 341 (investigations), after subsection (4) add—
- “(5) For the purposes of this Part an exploitation proceeds investigation is an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) into—
- (a) whether a person is a qualifying offender,
  - (b) whether a person has obtained exploitation proceeds from a relevant offence,
  - (c) the value of any benefits derived by a person from a relevant offence, or
  - (d) the available amount in respect of a person.
- Paragraphs (a) to (d) are to be construed in accordance with that Part of that Act.”

#### Commencement Information

**I52** Sch. 19 para. 2 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 3 In section 342 (offences of prejudicing investigation)—
- (a) in subsection (1), after “detained cash investigation” insert “, an exploitation proceeds investigation”, and
  - (b) after subsection (3)(ba) insert—
    - “(bb) the disclosure is made in the exercise of a function under Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) or in compliance with a requirement imposed under or by virtue of that Act,”.

#### Commencement Information

**I53** Sch. 19 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 4 In section 343(3) (judges) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

#### Commencement Information

**I54** Sch. 19 para. 4 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 5 In section 344(b) (courts) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

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**Commencement Information**

**I55** Sch. 19 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 6 In section 345(2) (production orders), in paragraph (a) after “confiscation investigation” insert “, an exploitation proceeds investigation”.

**Commencement Information**

**I56** Sch. 19 para. 6 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 7 In section 346 (requirements for making of production order)—
- (a) after subsection (2)(c) add—
- “**(d)** in the case of an exploitation proceeds investigation, the person the application for the order specifies as being subject to the investigation is within subsection (2A).”,
- and
- (b) after subsection (2) insert—
- “(2A) A person is within this subsection if, for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc), exploitation proceeds have been obtained by the person from a relevant offence by reason of any benefit derived by the person.

This subsection is to be construed in accordance with that Part.”

**Commencement Information**

**I57** Sch. 19 para. 7 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 8 In section 350(5) (government departments), in paragraph (b) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

**Commencement Information**

**I58** Sch. 19 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 9 In section 351(8) (supplementary) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

**Commencement Information**

**I59** Sch. 19 para. 9 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 10 In section 352 (search and seizure warrants)—
- (a) in subsection (2)(a), after “confiscation investigation” insert “, an exploitation proceeds investigation”, and
- (b) after subsection (5)(c) add—
- “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

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#### Commencement Information

**I60** Sch. 19 para. 10 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 11 In section 353 (requirements where production order not available)—
- (a) after subsection (2)(c) insert—
    - “(d) in the case of an exploitation proceeds investigation, the person specified in the application for the warrant is within section 346(2A).”
  - (b) in subsection (5)(a), for “or (8)” substitute “, (8) or (8A)”,
  - (c) after subsection (8) insert—
    - “(8A) In the case of an exploitation proceeds investigation, material falls within this subsection if it cannot be identified at the time of the application but it—
      - (a) relates to the person specified in the application, the question whether exploitation proceeds have been obtained from a relevant offence in relation to that person, any question as to the extent or whereabouts of any benefit as a result of which exploitation proceeds are obtained or any question about the person's available amount, and
      - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- This subsection is to be construed in accordance with Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc).”, and”
- (d) after subsection (10)(c) add—
    - “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

#### Commencement Information

**I61** Sch. 19 para. 11 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 12 In section 356 (further provision: civil recovery), in subsection (1) after “civil recovery investigations” insert “ or exploitation proceeds investigations ”.

#### Commencement Information

**I62** Sch. 19 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 13 In section 357 (disclosure orders)—
- (a) after subsection (3)(b) add “, or
    - “(c) a person specified in the application is subject to an exploitation proceeds investigation and the order is sought for the purposes of the investigation.”, and
  - (b) after subsection (7)(b) add “; and
    - “(c) in relation to an exploitation proceeds investigation, a member of SOCA's staff.”

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**Commencement Information**

**I63** Sch. 19 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

14 In section 358(2) (requirements for making of disclosure order) after paragraph (b) add—

“(c) in the case of an exploitation proceeds investigation, the person specified in the application for the order is a person within section 346(2A).”

**Commencement Information**

**I64** Sch. 19 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

15 In section 362(5) (supplementary) after “investigation” add “ or an exploitation proceeds investigation ”.

**Commencement Information**

**I65** Sch. 19 para. 15 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

16 In section 363(2) (customer information orders), in paragraph (a) after “investigation”, in first place it occurs, insert “ , an exploitation proceeds investigation ”.

**Commencement Information**

**I66** Sch. 19 para. 16 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

17 In section 370(2) (account monitoring orders), in paragraph (a) after “confiscation investigation” insert “ , an exploitation proceeds investigation ”.

**Commencement Information**

**I67** Sch. 19 para. 17 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

18 After section 378(6) (officers) insert—

“(6A) In relation to an exploitation proceeds investigation, a member of SOCA's staff is an appropriate officer.”

**Commencement Information**

**I68** Sch. 19 para. 18 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

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SCHEDULE 20

Section 175

AMENDMENTS OF THE DATA PROTECTION ACT 1998 (C. 29)

PART 1

DATA CONTROLLERS' REGISTRATION

- 1 In section 16 of the Data Protection Act 1998 (meaning of “the registrable particulars” etc), in subsection (1)—
  - (a) omit “and” at the end of paragraph (ff), and
  - (b) after paragraph (g) insert “, and
  - (h) such information about the data controller as may be prescribed under section 18(5A).”

**Commencement Information**

**I69** Sch. 20 para. 1 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 24

- 2 In section 18 of that Act (notification by data controllers), after subsection (5) insert—
 

“(5A) Notification regulations may prescribe the information about the data controller which is required for the purpose of verifying the fee payable under subsection (5).”

**Commencement Information**

**I70** Sch. 20 para. 2 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 24

- 3 In section 19 of that Act (register of notifications), after subsection (7) add—
 

“(8) Nothing in subsection (6) or (7) applies to information which is included in an entry in the register only by reason of it falling within section 16(1)(h).”

**Commencement Information**

**I71** Sch. 20 para. 3 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 24

PROSPECTIVE

F134 .....

**Textual Amendments**

**F13** Sch. 20 Pt. 1 repealed (25.5.2018) by Digital Economy Act 2017 (c. 30), ss. 111(9)(d), 118(6); S.I. 2018/624, reg. 2



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## PART 2

### ASSESSMENT NOTICES

- 5 (1) Section 48 of that Act (rights of appeal) is amended as follows.
- (2) In subsection (1) after “enforcement notice” insert “, an assessment notice”>.
- (3) In subsection (3)—
- (a) after “enforcement notice” insert “, an assessment notice”>, and
  - (b) after “40(8)” insert “, 41B(2)”>.

#### Commencement Information

I72 Sch. 20 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 6 In section 67 of that Act (general provision about orders etc under the Act)—
- (a) in subsection (4) insert at the appropriate place—  
“section 41A(2)(c),” and
  - (b) in subsection (5)(a) insert at the appropriate place—  
“section 41A(2)(b),”.

#### Commencement Information

I73 Sch. 20 para. 6 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 7 In section 70(1) of that Act (supplementary definitions) for the definition of “government department” substitute—
- ““government department” includes—
- (a) any part of the Scottish Administration;
  - (b) a Northern Ireland department;
  - (c) the Welsh Assembly Government;
  - (d) any body or authority exercising statutory functions on behalf of the Crown.”

#### Commencement Information

I74 Sch. 20 para. 7 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

## PART 3

### POWERS TO REQUIRE INFORMATION

- 8 (1) Section 43 of that Act (information notices) is amended as follows.
- (2) In subsection (1) for “, within” to the end substitute “ to furnish the Commissioner with specified information relating to the request or to compliance with the principles. ”>

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(3) After that subsection insert—

“(1A) In subsection (1) “specified information” means information—

- (a) specified, or described, in the information notice, or
- (b) falling within a category which is specified, or described, in the information notice.

(1B) The Commissioner may also specify in the information notice—

- (a) the form in which the information must be furnished;
- (b) the period within which, or the time and place at which, the information must be furnished.”

(4) In subsection (4) for “the time” to “expire” substitute “ a period specified in an information notice under subsection (1B)(b) must not end, and a time so specified must not fall, ”>.

#### Commencement Information

**I75** Sch. 20 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 9 (1) Section 44 of that Act (special information notices) is amended as follows.
- (2) in subsection (1) for “, within” to the end substitute “ to furnish the Commissioner with specified information for the purpose specified in subsection (2). ”>
- (3) After subsection (1) insert—
- “(1A) In subsection (1) “specified information” means information—
- (a) specified, or described, in the special information notice, or
  - (b) falling within a category which is specified, or described, in the special information notice.
- (1B) The Commissioner may also specify in the special information notice—
- (a) the form in which the information must be furnished;
  - (b) the period within which, or the time and place at which, the information must be furnished.”
- (4) In subsection (5) for “the time” to “expire” substitute “ a period specified in a special information notice under subsection (1B)(b) must not end, and a time so specified must not fall, ”.

#### Commencement Information

**I76** Sch. 20 para. 9 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

## PART 4

### RESTRICTION ON USE OF INFORMATION

- 10 (1) Section 43 of that Act (information notices) is amended as follows.

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- (2) In subsection (8), for “other than an offence under this Act,” substitute “, other than an offence under this Act or an offence within subsection (8A),”.
- (3) After that subsection insert—
- “(8A) The offences mentioned in subsection (8) are—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
  - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or
  - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).
- (8B) Any relevant statement provided by a person in response to a requirement under this section may not be used in evidence against that person on a prosecution for any offence under this Act (other than an offence under section 47) unless in the proceedings—
- (a) in giving evidence the person provides information inconsistent with it, and
  - (b) evidence relating to it is adduced, or a question relating to it is asked, by that person or on that person's behalf.
- (8C) In subsection (8B) “relevant statement”, in relation to a requirement under this section, means—
- (a) an oral statement, or
  - (b) a written statement made for the purposes of the requirement.”

#### **Commencement Information**

**I77** Sch. 20 para. 10 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 11 (1) Section 44 of that Act (special information notices) is amended as follows.
- (2) In subsection (9), for “other than an offence under this Act,” substitute “, other than an offence under this Act or an offence within subsection (9A),”.
- (3) After subsection (9) of that section insert—
- (9A) “(9A) The offences mentioned in subsection (9) are—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
  - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or
  - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).
- (9B) Any relevant statement provided by a person in response to a requirement under this section may not be used in evidence against that person on a

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prosecution for any offence under this Act (other than an offence under section 47) unless in the proceedings—

- (a) in giving evidence the person provides information inconsistent with it, and
- (b) evidence relating to it is adduced, or a question relating to it is asked, by that person or on that person's behalf.

(9C) In subsection (9B) “relevant statement”, in relation to a requirement under this section, means—

- (a) an oral statement, or
- (b) a written statement made for the purposes of the requirement.”

#### Commencement Information

**I78** Sch. 20 para. 11 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

12 (1) Paragraph 11 of Schedule 7 to that Act (miscellaneous exemptions: self incrimination) is amended as follows.

(2) In sub-paragraph (1), for “other than an offence under this Act,” substitute “, other than an offence under this Act or an offence within sub-paragraph (1A), ”.

(3) After that sub-paragraph insert—

“(1A) The offences mentioned in sub-paragraph (1) are—

- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
- (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or
- (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).”

#### Commencement Information

**I79** Sch. 20 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

## PART 5

### MONETARY PENALTIES: RESTRICTION ON MATTERS TO BE TAKEN INTO ACCOUNT

13 In section 55A of that Act (power of Commissioner to impose monetary penalties), after subsection (3) insert—

“(3A) The Commissioner may not be satisfied as mentioned in subsection (1) by virtue of any matter which comes to the Commissioner's attention as a result of anything done in pursuance of—

- (a) an assessment notice;
- (b) an assessment under section 51(7).”

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**180** Sch. 20 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

## PART 6

### WARRANT FOR ENTRY AND INSPECTION

- 14 (1) Schedule 9 to that Act (powers of entry and inspection) is amended as follows.
- (2) After sub-paragraph (1) of paragraph 1 insert—
- “(1A) Sub-paragraph (1B) applies if a circuit judge or a District Judge (Magistrates' Courts) is satisfied by information on oath supplied by the Commissioner that a data controller has failed to comply with a requirement imposed by an assessment notice.
- (1B) The judge may, for the purpose of enabling the Commissioner to determine whether the data controller has complied or is complying with the data protection principles, grant a warrant to the Commissioner in relation to any premises that were specified in the assessment notice; but this is subject to sub-paragraph (2) and paragraph 2.”
- (3) In sub-paragraph (3) of that paragraph—
- (a) for “sub-paragraph (1)” substitute “ this Schedule ”, and
- (b) for the words from “to enter” to the end substitute “—
- (a) to enter the premises;
- (b) to search the premises;
- (c) to inspect, examine, operate and test any equipment found on the premises which is used or intended to be used for the processing of personal data;
- (d) to inspect and seize any documents or other material found on the premises which—
- (i) in the case of a warrant issued under sub-paragraph (1), may be such evidence as is mentioned in that paragraph;
- (ii) in the case of a warrant issued under sub-paragraph (1B), may enable the Commissioner to determine whether the data controller has complied or is complying with the data protection principles;
- (e) to require any person on the premises to provide an explanation of any document or other material found on the premises;
- (f) to require any person on the premises to provide such other information as may reasonably be required for the purpose of determining whether the data controller has contravened, or is contravening, the data protection principles.”
- (4) After sub-paragraph (1) of paragraph 2 insert—

*Status: Point in time view as at 08/10/2012.*

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“(1A) In determining whether the Commissioner has given an occupier the seven days' notice referred to in sub-paragraph (1)(a) any assessment notice served on the occupier is to be disregarded.”

(5) In paragraph 5 for “evidence in question would not be found” substitute “ object of the warrant would be defeated ”.

(6) In paragraph 12, at the end of paragraph (b) insert—

“(c) makes a statement in response to a requirement under paragraph (e) or (f) of paragraph 1(3) which that person knows to be false in a material respect, or

(d) recklessly makes a statement in response to such a requirement which is false in a material respect.”.

(7) After paragraph 15 add—

*“Self-incrimination*

16 An explanation given, or information provided, by a person in response to a requirement under paragraph (e) or (f) of paragraph 1(3) may only be used in evidence against that person—

(a) on a prosecution for an offence under—

(i) paragraph 12,

(ii) section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),

(iii) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or

(iv) Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements), or

(b) on a prosecution for any other offence where—

(i) in giving evidence that person makes a statement inconsistent with that explanation or information, and

(ii) evidence relating to that explanation or information is adduced, or a question relating to it is asked, by that person or on that person's behalf.”

**Commencement Information**

**181** Sch. 20 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 21

Section 177

### MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 25/07/2013

#### PART 1

##### CORONERS ETC

###### *Cremation Act 1902 (c. 8)*

- 1 In section 10 of the Cremation Act 1902 (saving for coroners), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

###### *Births and Deaths Registration Act 1926 (c. 48)*

- 2 The Births and Deaths Registration Act 1926 is amended as follows.
- 3 In section 4 (prohibition of removal of body out of England without notice), for “the coroner within whose jurisdiction the body is lying” substitute “ the senior coroner in whose area the body is situated, ”.
- 4 In section 5 (burial of still-born children), for the words after “delivered to him” substitute “either—
- (a) a certificate given by the registrar under section 11(2) or (3) of the Births and Deaths Registration Act 1953, or
  - (b) in a case in relation to which a senior coroner has made enquiries under section 1(7) of the Coroners and Justice Act 2009 (or has purported to conduct an investigation under Part 1 of that Act), an order of the coroner.”

###### *Visiting Forces Act 1952 (c. 67)*

- 5 (1) Section 7 of the Visiting Forces Act 1952 (provisions as to coroners' inquests etc) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subsections (1A) and (1B) of this section apply if a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is satisfied that the deceased person, at the time of the death, had a relevant association with a visiting force.
- (1A) If no investigation into the person's death has begun, the coroner shall not begin an investigation unless directed to do so by the Lord Chancellor.
- (1B) If an investigation into the person's death has begun but has not been completed, the coroner shall suspend the investigation unless directed not to do so by the Lord Chancellor.”
- (3) In subsection (2)—

*Status: Point in time view as at 08/10/2012.*

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- (a) for the words from “the last” to “a death” substitute “ subsections (1) to (1B) of this section, if in the course of an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death ”,
  - (b) for “Secretary of State” substitute “ Lord Chancellor ”,
  - (c) for the words from “adjourn the inquest” to “discharge the jury,” substitute “ suspend the investigation ”, and
  - (d) for “at the inquest” substitute “ in the course of the investigation ”.
- (4) After subsection (2) insert—
- “(2A) A coroner who suspends an investigation under this section shall—
- (a) adjourn any inquest being held as part of the investigation, and
  - (b) discharge any jury that has been summoned.
- (2B) The suspension of an investigation under this section does not prevent its suspension under Schedule 1 to the Coroners and Justice Act 2009; and *vice versa*.”
- (5) For subsection (3) substitute—
- “(3) Where an investigation is suspended under this section, the coroner shall not resume it except on the direction of the Lord Chancellor.
- (3A) Where the investigation is resumed, the coroner must resume any inquest that was adjourned under subsection (2A).
- (3B) A resumed inquest may be held with a jury if the coroner thinks that there is sufficient reason for it to be held with one.”
- (6) In subsection (4), for the words from “the Secretary of State” to “to be held” substitute “ the Lord Chancellor under subsection (1A) or (3) of this section, an investigation is required to be conducted ”.
- (7) In subsection (5), for “section two of the said Act of 1926” substitute “ section 24 of the Births and Deaths Registration Act 1953 ”.
- (8) For subsection (7) substitute—
- “(7) In the application of this section to Northern Ireland—
- (a) in subsection (1), for “a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death” there is substituted “ a coroner who has jurisdiction under the Coroners Act (Northern Ireland) 1959 to hold an inquest into a person's death ”;
  - (b) in subsection (1A), for “no investigation” there is substituted “ no inquest ” and for “an investigation” there is substituted “ an inquest ”;
  - (c) in subsection (1B), for “an investigation” there is substituted “ an inquest ”, and for “suspend the investigation” there is substituted “ adjourn the inquest ”;
  - (d) in subsection (2)—
    - (i) for “in the course of an investigation under Part 1 of the Coroners and Justice Act 2009” there is substituted “ on an inquest ”;



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(ii) for “suspend the investigation” there is substituted “adjourn the inquest”;

(iii) for “in the course of the investigation” there is substituted “at the inquest”;

(e) in subsection (2A), for the words from “suspends an investigation” to the end there is substituted “adjourns an inquest under this section shall discharge any jury that has been summoned”;

(f) in subsection (3), for “investigation is suspended” there is substituted “inquest is adjourned”;

(g) subsection (3A) is omitted;

(h) in subsection (3B), for “A resumed inquest” there is substituted “An inquest resumed under this section”;

(i) subsections (4) and (5) are omitted.”

*Births and Deaths Registration Act 1953 (c. 20)*

6 The Births and Deaths Registration Act 1953 is amended as follows.

7 In section 2 (information concerning birth to be given to registrar within 42 days), in paragraph (ii) of the proviso, for “an inquest is held at which” substitute “an investigation is conducted under Part 1 of the 2009 Act, other than one that is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), in the course of which”.

8 (1) Section 16 (information concerning death in a house) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a), for “any relative of the deceased person” substitute “any person who is a relative or the partner of the deceased and who was”;

(b) in paragraph (b), for “any other relative of the deceased residing or being” substitute “any person who is a relative or the partner of the deceased and who is or resides”, and

(c) after paragraph (b) insert—  
“(ba) any personal representative of the deceased;”.

(3) In subsection (3)—

(a) in paragraph (a), for “the nearest relative such” substitute “each such person”;

(b) in paragraph (b)—  
(i) for “no such relative” substitute “no such person”, and  
(ii) for “each such relative” substitute “each such person”;

(c) in paragraph (c)—  
(i) for “if there are no such relatives” substitute “if neither of paragraphs (a) and (b) above applies”, and  
(ii) for “paragraph (c) or (d)” substitute “paragraph (ba), (c) or (d)”;

(d) in paragraph (d), for “if there are no such relatives or persons as aforesaid” substitute “if none of paragraphs (a) to (c) above applies”, and

(e) for “five days from the date of the death” substitute “five days from the relevant date”.

(4) In that subsection, for paragraph (ii) of the proviso substitute—

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“(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”

(5) After that subsection insert—

“(4) In this section, the expression “the relevant date” means—

- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

9 (1) Section 17 (information concerning other deaths) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), for “any relative of the deceased who” substitute “ any person who is a relative or the partner of the deceased and who ”, and
- (b) after that paragraph insert—
  - “(aa) any personal representative of the deceased;”.

(3) In subsection (3)—

- (a) in paragraph (a), for “relative” substitute “ person ”,
- (b) in paragraph (b), for “relatives” substitute “ persons ”,
- (c) for “five days from the date of the death or of the finding of the body” substitute “ five days from the relevant date ”, and
- (d) for paragraph (ii) of the proviso substitute—

“(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”

(4) After that subsection insert—

“(4) In this section, the expression “the relevant date” means—

- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

PROSPECTIVE

10 (1) Section 18 (notice preliminary to information of death) is amended as follows.

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- (2) For the words from the beginning to “that person's death” substitute “ If, before the expiration of five days from the relevant date, a qualified informant of a person's death ”.
- (3) For the words from “accompanied by a notice” to “the cause of death,” substitute “ accompanied by a confirmed attending practitioner's certificate, or a medical examiner's certificate issued in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death), ”.
- (4) For “from the date aforesaid” substitute “ from the relevant date ”.
- (5) At the end of that section (which becomes subsection (1)) insert—
  - “(2) In this section, the expression “the relevant date” means—
    - (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
    - (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act (cause of death [<sup>F14</sup>becoming clear before inquest]), the date of the discontinuance.”

#### Textual Amendments

**F14** Words in [Sch. 21 para. 10\(5\)](#) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\), ss. 39\(6\)\(a\), 51\(3\)](#)

- 11 (1) In section 19 (registrar's power to require information concerning death), subsection (1) is amended as follows.
  - (2) For the words from the beginning to “the registrar may” substitute—
    - “(A1) This section applies where, after the expiration of the relevant period from—
      - (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death), or
      - (b) where an investigation under Part 1 of that Act into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), the date of the discontinuance, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered.
  - (1) The registrar may”.
  - (3) For paragraph (ii) of the proviso substitute—
    - “(ii) an investigation under Part 1 of the 2009 Act is conducted into the death of the deceased person and has not been discontinued under section 4 of that Act”.

*Status: Point in time view as at 08/10/2012.*

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VALID FROM 16/04/2024

- 12 In section 20 (registration of death free of charge) omit the words from “, at any time” to “of any person,”.

VALID FROM 16/04/2024

- 13 Omit section 21 (registration of death after twelve months).

VALID FROM 16/04/2024

- 14 For section 22 substitute—

**“22 Registration of cause of death on receipt of medical certificate**

(1) This section applies where—

- (a) the registrar is given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b) no investigation into the death under Part 1 of that Act is conducted.

(2) The registrar shall enter in the register the cause of death as stated in the certificate, together with—

- (a) the name of the medical examiner and such information about the examiner as may be prescribed; and
- (b) where an attending practitioner's certificate was prepared, the name of the practitioner by whom it was prepared and such information about that practitioner as may be prescribed.”

- 15 (1) Section 23 (furnishing of information by coroner) is amended as follows.

(2) For subsection (2) substitute—

“(2) Where there has been an investigation under Part 1 of the 2009 Act into a death and the senior coroner sends to the registrar a certificate giving information concerning the death, including the particulars found under section 10(1)(b) of that Act, the registrar shall in the prescribed form and manner register the death and those particulars; and, if the death has been previously registered, those particulars shall be entered in the prescribed manner without any alteration of the original entry.

(2ZA) Where under section 40(8)(a)(i) of the 2009 Act the Chief Coroner amends a finding under section 10(1)(b) of that Act and sends to the registrar a certificate setting out the amended particulars, the registrar shall in the prescribed form and manner register the amended particulars without any alteration of the original entry.”

(3) For subsection (2A) substitute—

*Status: Point in time view as at 08/10/2012.*

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“(2A) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under Schedule 1 to that Act, and
- (b) the senior coroner sends to the registrar a certificate stating the particulars required by this Act to be registered concerning the death (so far as they have been ascertained at the date of the certificate),

the registrar shall in the prescribed form and manner register the death and those particulars.

(2B) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 2 of Schedule 1 to that Act (suspension where certain criminal proceedings brought), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the result of the proceedings in respect of the charge or charges by reason of which the investigation was suspended, or of any proceedings that had to be concluded before the investigation could be resumed, or
  - (ii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the result of those proceedings, or the changes or additions, without any alteration of the original entry.

(2C) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 3 of Schedule 1 to that Act (suspension pending inquiry), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the findings of the inquiry by reason of which the investigation was suspended,
  - (ii) stating the result of any proceedings that had to be concluded before the investigation could be resumed, or
  - (iii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the findings of that inquiry, or the result of those proceedings, or the changes or additions, without any alteration of the original entry.”

- (4) In subsection (3), for the words from the beginning to “stating” substitute “ Where an investigation is discontinued under section 4 of the 2009 Act by reason of an examination under section 14 of that Act (post-mortem examinations) and the senior coroner sends to the registrar a certificate stating ”.

#### Commencement Information

**182** Sch. 21 para. 15(1)(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(v\)](#)

**183** Sch. 21 para. 15(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vi\)](#)

*Status: Point in time view as at 08/10/2012.*

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VALID FROM 16/04/2024

- 16 (1) Section 23A (giving of information concerning a death to a person other than the registrar) is amended as follows.
- (2) In subsection (2), for paragraphs (a) and (b) substitute—
- “(a) if <sup>F15</sup>—
- (i) there has been no investigation under Part 1 of the 2009 Act into the death, or
- (ii) such an investigation has been discontinued under section 4 of the 2009 Act (cause of death becoming clear before inquest) other than as mentioned in paragraph (b),]
- a copy of a confirmed attending practitioner's certificate, or of a medical examiner's certificate, given to the registrar in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b) if an investigation into the death has been discontinued under section 4 of that Act by reason of an examination under section 14 of that Act (post-mortem examinations), a copy of a certificate from the senior coroner stating the cause of death as disclosed by the report of the person making the examination;”.
- (3) In subsection (5), after “a relative” insert “ or the partner ”.
- (4) Omit subsection (6).

#### Textual Amendments

**F15** Words in [Sch. 21 para. 16\(2\)](#) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\), ss. 39\(6\)\(c\), 51\(3\)](#)

VALID FROM 16/04/2024

- 17 In section 24 (certificates as to registration of death), in subsection (1), for “has received a certificate under section twenty-two of this Act” substitute “has been given a confirmed attending practitioner's certificate or a medical examiner's certificate in accordance with regulations under section 20 of the 2009 Act”.
- 18 (1) Section 29 (correction of error in registers) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) In the case of a death in relation to which the registrar has been given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act—
- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the medical examiner concerned;

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- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the medical examiner of the nature of the error and the true facts of the case.”

“(3B) In the case of a death in relation to which an investigation under Part 1 of the 2009 Act has been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination)—

- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the senior coroner concerned;
- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the senior coroner of the nature of the error and the true facts of the case.”

(3) In paragraph (a) of subsection (4), for “touching which he has held an inquest” substitute “into which he has conducted an investigation under Part 1 of the 2009 Act (other than one that has been discontinued under section 4 of that Act)”.

(4) Omit paragraph (b) of that subsection and the word “or” preceding it.

#### Commencement Information

**184** Sch. 21 para. 18(1) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)\(viii\)](#)

**185** Sch. 21 para. 18(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)](#)

**186** Sch. 21 para. 18(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(viii\)](#)

VALID FROM 16/04/2024

19 After section 33 insert—

#### “33A Short certificate of death

- (1) Any person shall—
  - (a) on furnishing the prescribed particulars, and
  - (b) on payment of such fee as may be specified in regulations made by the Minister by statutory instrument,be entitled to obtain from the Registrar General, a superintendent registrar or a registrar a short certificate of the death of any person.
- (2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar General, or from the registers in the custody of the superintendent registrar or registrar, as the case may be, and shall contain such particulars as may be prescribed.

*Status: Point in time view as at 08/10/2012.*

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(3) A statutory instrument containing regulations under subsection (1) (b) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

20 In section 34 (entry in register as evidence of birth or death) omit subsection (4).

21 (1) In section 41 (interpretation) insert the following definitions at the appropriate places—

““the 2009 Act” means the Coroners and Justice Act 2009;”;

“ “attending practitioner's certificate” has the meaning given by section 20(1)(a) of the 2009 Act;”;

“ “confirmed attending practitioner's certificate” means an attending practitioner's certificate in respect of which the cause of death has been confirmed by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the 2009 Act;”;

“ “medical examiner” means a person appointed under section 19 of the 2009 Act;”;

“ “medical examiner's certificate” has the meaning given by section 20(1)(h) of the 2009 Act;”;

“ “partner” (except in the expression “civil partner”) is to be read in accordance with subsection (2) of this section.”

(2) At the end of that section (which becomes subsection (1)) insert—

“(2) A person is the partner of a deceased person if the two of them (whether of different sexes or the same sex) were living as partners in an enduring relationship at the time of the deceased person's death.

(3) A reference in this Act to an investigation under Part 1 of the 2009 Act being conducted includes a reference to the case where such an investigation has begun and—

(a) has not yet finished,

(b) is suspended under Schedule 1 to that Act (whether temporarily or otherwise), or

(c) is discontinued under section 4 of that Act.”

*Courts Act 1971 (c. 23)*

22 In Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as circuit judges), in Part 1A, for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009”.

*Pensions (Increase) Act 1971 (c. 56)*

23 In Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), in paragraph 61, after “the Coroners Act 1988” insert “ or by virtue of paragraph 17 of Schedule 3 to the Coroners and Justice Act 2009 ”.



*Status: Point in time view as at 08/10/2012.*

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*Juries Act 1974 (c. 23)*

- 24 In section 19 of the Juries Act 1974 (payment for jury service), in subsections (2) and (5), for “the Coroners Act 1988” substitute “ Schedule 7 to the Coroners and Justice Act 2009 ”.

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 25 (1) In section 34 of the Health and Safety at Work etc. Act 1974 (extension of time for bringing summary proceedings), subsection (1) is amended as follows.
- (2) In paragraph (c), for “a coroner's inquest is held touching” substitute “ an investigation under Part 1 of the Coroners and Justice Act 2009 is conducted into ”.
- (3) For the words from “from the report” to “proceedings at the inquest or” substitute “ from the report or investigation or, in a case falling within paragraph (d) above, from the proceedings at the ”.
- (4) For “report, inquest or inquiry” substitute “ report, investigation or inquiry ”.
- (5) For “conclusion of the inquest” substitute “ conclusion of the investigation ”.

*House of Commons Disqualification Act 1975 (c. 24)*

- 26 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

PROSPECTIVE

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 27 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

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*Magistrates' Courts Act 1980 (c. 43)*

- 28 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143)—
- (a) omit the entry relating to the Coroners Act 1988, and
  - (b) after the entry relating to the Powers of Criminal Courts (Sentencing) Act 2000 insert—

“CORONERS AND JUSTICE ACT 2009

In Schedule 6, paragraphs 5 (refusal to serve as juror £1000”  
etc) and 6 (refusal to give evidence etc)

PROSPECTIVE

*Access to Health Records Act 1990 (c. 23)*

- 29 (1) Section 3 of the Access to Health Records Act 1990 (right of access to health records) is amended as follows.
- (2) In subsection (1) (persons entitled to access), at the end insert—
- “(g) where the patient has died, a medical examiner exercising functions by virtue of section 20 of the Coroners and Justice Act 2009 in relation to the death.”

F16(3) .....

**Textual Amendments**

**F16** Sch. 21 para. 29(3) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 161](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

*Courts and Legal Services Act 1990 (c. 41)*

- 30 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc barred from legal practice), for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009”.

PROSPECTIVE

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 31 In Part 2 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (other offices that may be qualifying judicial offices), after the entry relating to the Adjudicator to Her Majesty's Land Registry there is inserted— “Coroner for Treasure. Deputy Chief Coroner appointed by the Lord Chancellor who is not also a senior coroner”

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Merchant Shipping Act 1995 (c. 21)*

- 32 The Merchant Shipping Act 1995 is amended as follows.
- 33 In section 108 (returns of births and deaths in ships etc), in subsection (6)(b), for “is satisfied that an inquest is unnecessary” substitute “ discontinues an investigation under Part 1 of the Coroners and Justice Act 2009 or, as the case may be, is satisfied that an inquest under the Coroners Act (Northern Ireland) 1959 is unnecessary ”.
- 34 In section 271 (inquiries into deaths of crew members and others), in subsection (6), for “where” to the end substitute “where—
- (a) in England and Wales, an investigation is to be conducted under Part 1 of the Coroners and Justice Act 2009;
  - (b) in Northern Ireland, an inquest is to be held under the Coroners Act (Northern Ireland) 1959;
  - (c) in Scotland, an enquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.”
- 35 (1) Section 273 (transmission of particulars of certain deaths on ships) is amended as follows.
- (2) In paragraph (a), for “or a post mortem examination” to the end substitute “ or subsection (2) below applies; and ”.
  - (3) At the end of that section (which becomes subsection (1)) insert—  
“(2) This subsection applies where—
    - (a) in England and Wales, an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination); or
    - (b) in Northern Ireland, a preliminary investigation is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary.”

*Employment Rights Act 1996 (c. 18)*

- 36 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 43M (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.
  - (3) In section 98B (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

PROSPECTIVE

*Treasure Act 1996 (c. 24)*

- 37 The Treasure Act 1996 is amended as follows.
- 38 For section 7 (jurisdiction of coroners) substitute—

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## **“7 Jurisdiction of coroners**

- (1) As regards Northern Ireland, the jurisdiction of coroners which is referred to in section 33 of the Coroners Act (Northern Ireland) 1959 (treasure) is exercisable in relation to anything that is treasure for the purposes of this Act.
- (2) That jurisdiction is not exercisable for the purposes of the law relating to treasure trove in relation to anything found after the commencement of section 4.
- (3) The Act of 1959 has effect subject to this section.
- (4) An inquest held by virtue of subsection (1) is to be held without a jury, unless the coroner orders otherwise.
- (5) As regards England and Wales, see Chapter 4 of Part 1 of the Coroners and Justice Act 2009 (which confers jurisdiction on the Coroner for Treasure in relation to an object that is or may be treasure, or treasure trove found before the commencement of section 4).”

- 39 (1) Section 8 (duty of finder to notify coroner) is amended as follows.
- (2) In subsection (1), for “coroner for the district in which the object was found” substitute “ Coroner for Treasure ”.
  - (3) In subsection (4), for “coroner” substitute “ Coroner for Treasure ”.
  - (4) For subsection (5) substitute—
    - “(5) If the office of Coroner for Treasure is vacant, notification under subsection (1) must be given to an Assistant Coroner for Treasure.
    - (6) This section has effect subject to section 8B.”
  - (5) After that subsection insert—
  - (7) “(7) In its application to Northern Ireland this section has effect as if—
    - (a) in subsection (1), for “Coroner for Treasure” there were substituted “ coroner for the district in which the object was found ”;
    - (b) in subsection (4), for “Coroner for Treasure” there were substituted “ coroner ”; and
    - (c) in subsection (5), for the words from “Coroner for Treasure” to the end there were substituted “ coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1) ”.”

40 After section 8A (inserted by section 30 of this Act) insert—

## **“8B Notice under section 8 or 8A to designated officer**

- (1) A requirement under section 8 or 8A to give a notification to the Coroner for Treasure (or an Assistant Coroner for Treasure) may, if the relevant place falls within an area for which there is a designated officer, be complied with by giving the notification to that officer.

*Status: Point in time view as at 08/10/2012.*

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- (2) A designated officer must notify the Coroner for Treasure of all notifications given under subsection (1).
- (3) If the office of Coroner for Treasure is vacant, notification under subsection (2) must be given to an Assistant Coroner for Treasure.
- (4) In this section—
  - “designated officer” means an officer designated by an order made by statutory instrument by the Secretary of State;
  - “the relevant place” means—
    - (a) in relation to a requirement under section 8, the place where the object in question was found;
    - (b) in relation to a requirement under section 8A, the place where the treasure in question is located.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In its application to Northern Ireland this section has effect as if—
  - (a) in subsection (1), for “the Coroner for Treasure (or an Assistant Coroner for Treasure)” there were substituted “ a coroner ”;
  - (b) in subsection (2), for “Coroner for Treasure” there were substituted “ coroner for the district in which the relevant place falls ”;
  - (c) in subsection (3), for the words from “Coroner for Treasure” to “Assistant Coroner for Treasure” there were substituted “ coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (2) ”.

### **8C Offences under section 8 or 8A: period for bringing proceedings**

- (1) Proceedings for an offence under section 8 or 8A may be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge; but no such proceedings may be brought by virtue of this subsection more than three years after the commission of the offence.
- (2) For the purposes of subsection (1)—
  - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the evidence referred to in that subsection came to the prosecutor's knowledge shall be conclusive evidence to that effect; and
  - (b) a certificate to that effect and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

41 For section 9 substitute—

### **“9 Procedure for investigations: England and Wales**

- (1) Before conducting an investigation concerning an object, the Coroner for Treasure must—

*Status: Point in time view as at 08/10/2012.*

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- (a) notify the appropriate national museum;
  - (b) take reasonable steps to notify—
    - (i) any person who the coroner thinks may have found the object; and
    - (ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.
- (2) During an investigation the Coroner for Treasure must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.
- (3) Before or during an investigation, the Coroner for Treasure must take reasonable steps—
- (a) to obtain the names and addresses of any other interested persons; and
  - (b) to notify any interested person whose name and address he obtains.
- (4) The Coroner for Treasure must take reasonable steps to give any interested person an opportunity to examine witnesses at any inquest held as part of an investigation.
- (5) In this section—
- “the appropriate national museum” means—
    - (a) the British Museum, if the object in question was found or is believed to have been found in England;
    - (b) the National Museum of Wales, if it was found or is believed to have been found in Wales;
  - “interested person” has the meaning given by section 47(6) of the Coroners and Justice Act 2009;
  - “investigation” means an investigation under section 26 of that Act.
- (6) This section extends only to England and Wales.

#### **9A Procedure for inquests: Northern Ireland**

- (1) Before conducting an inquest concerning an object, a coroner must—
- (a) notify the Department of the Environment for Northern Ireland;
  - (b) take reasonable steps to notify—
    - (i) any person who the coroner thinks may have found the object; and
    - (ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.
- (2) During the inquest the coroner must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.
- (3) Before or during the inquest, the coroner must take reasonable steps—

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	<p>(a) to obtain the names and addresses of any other interested persons; and</p> <p>(b) to notify any interested person whose name and address he obtains.</p> <p>(4) The coroner must take reasonable steps to give any interested person an opportunity to examine witnesses at the inquest.</p> <p>(5) In this section—</p> <p>“inquest” means an inquest held by virtue of section 7(1);</p> <p>“interested person” means—</p> <p>(a) the Department of the Environment for Northern Ireland;</p> <p>(b) the finder of the object in question or any person otherwise involved in the find;</p> <p>(c) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;</p> <p>(d) a person who had an interest in that land at that time or who has had such an interest since;</p> <p>(e) any other person with a sufficient interest.</p> <p>(6) This section extends only to Northern Ireland.”</p>
42	Omit section 13.
<b>PROSPECTIVE</b>	
43	<p><i>Northern Ireland (Location of Victims' Remains) Act 1999 (c. 7)</i></p> <p>In section 4 of the Northern Ireland (Location of Victims' Remains) Act 1999 (restrictions on forensic testing), in subsection (2), for “for the purposes of an inquest, the identity” substitute “for the purposes of—</p> <p>(a) an inquest under the Coroners Act (Northern Ireland) 1959, or</p> <p>(b) an investigation under Part 1 of the Coroners and Justice Act 2009,</p> <p>the identity”.</p>
44	<p><i>Freedom of Information Act 2000 (c. 36)</i></p> <p>In section 32 of the Freedom of Information Act 2000 (court records etc), in subsection (4)(b), for “any inquest or” substitute “ any investigation under Part 1 of the Coroners and Justice Act 2009, any inquest under the Coroners Act (Northern Ireland) 1959 and any ”.</p>
45	<p><i>International Criminal Court Act 2001 (c. 17)</i></p> <p>In section 35 of the International Criminal Court Act 2001 (orders for exhumation), for “section 23 of the Coroners Act 1988 (c. 13)” substitute “ paragraph 6 of Schedule 5 to the Coroners and Justice Act 2009 ”.</p>

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PROSPECTIVE

*Courts Act 2003 (c. 39)*

F17 46

**Textual Amendments**

**F17** Sch. 21 para. 46 repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 35](#) (with art. 2)

PROSPECTIVE

*Human Tissue Act 2004 (c. 30)*

47

The Human Tissue Act 2004 is amended as follows.

48

In section 1 (authorisation of activities for scheduled purposes), in subsection (2), for the words after “shall be lawful” substitute “if done with the appropriate consent and after—

- (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act, or
- (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of the person's death.”

49

(1) Section 5 (prohibition of activities without consent etc) is amended as follows.

(2) In subsection (3), for the words from “neither” to the end substitute “none of the following has happened in relation to the death of the person concerned—

- (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act;
- (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of death.”

(3) In subsection (4)(a)(i), for “a certificate under either of those provisions has been signed in relation to the cause of death of the person concerned” substitute “one of the things mentioned in paragraphs (a) and (b) of that subsection has happened in relation to the death of the person concerned”.

50

In section 43 (preservation for transplantation), after subsection (5) insert—



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“(5A) Section 11(2) applies to an act on authority under subsection (1) above as it applies to an act on authority under section 1.”

*Constitutional Reform Act 2005 (c. 4)*

51 In Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices and enactments), at the end of Part 3 insert—

“Coroner for Treasure	Paragraph 1 of Schedule 4 to the Coroners and Justice Act 2009
Deputy Chief Coroner	Paragraph 2(5) of Schedule 8 to the Coroners and Justice Act 2009”

**PART 2**

MURDER AND SUICIDE

*Criminal Justice Act 2003 (c. 44)*

52 In Schedule 21 to the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence), in paragraph 11—

- (a) in paragraph (d) omit “in a way not amounting to a defence of provocation”, and
- (b) in paragraph (e), after “self-defence” insert “ or in fear of violence ”.

**Commencement Information**

**187** Sch. 21 para. 52 in force at 4.10.2010 by S.I. 2010/816, art. 5(f) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)

*Children and Young Persons Act 1933 (c. 12)*

53 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions apply), after the entry relating to infanticide insert— “ An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

**Commencement Information**

**188** Sch. 21 para. 53 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Visiting Forces Act 1952 (c. 67)*

54 In the Visiting Forces Act 1952—

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- (a) in section 7(6) (provisions as to coroner's inquests and removal of bodies: meaning of homicide) for the words from “murder” to the end substitute “—
- (a) murder, manslaughter or infanticide,
  - (b) any offence under the law of the country in question which is analogous to any of the offences within paragraph (a), and
  - (c) any offence under the law of the country in question which is analogous to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”, and
- (b) in paragraph 1(a) of the Schedule (offences against the person for purposes of restriction of trial by United Kingdom courts of offenders connected with visiting forces) for “of” to “commit suicide” substitute “ under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) ”.

**Commencement Information**

**189** Sch. 21 para. 54 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Suicide Act 1961 (c. 60)*

- 55 In Schedule 1 to the Suicide Act 1961—
- (a) in Part 1 omit the entry relating to Schedule 1 to the Children and Young Persons Act 1933 (c. 12), and
  - (b) in Part 2 omit the entry relating to section 7 of the Visiting Forces Act 1952 (c. 67).

**Commencement Information**

**190** Sch. 21 para. 55 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

- 56 In section 12 of the Criminal Justice Act (Northern Ireland) 1966 (suicide to cease to be a crime), for “13 and 14” substitute “ 13 to 14 ”.

**Commencement Information**

**191** Sch. 21 para. 56 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

- 57 In Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 (offences against children and young persons to which special provisions apply), for the entry for “Aiding, abetting, counselling or procuring the suicide of a child or young person” substitute— “ An offence under section 13(1) of the Criminal

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Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

**Commencement Information**

**I92** Sch. 21 para. 57 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Attempts Act 1981 (c. 47)*

58 After section 1(4)(b) of the Criminal Attempts Act 1981 (exclusions to offence of attempting to commit an offence) insert—

“(ba) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);”.

**Commencement Information**

**I93** Sch. 21 para. 58 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))*

59 After Article 3(4)(b) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (exclusions to offence of attempting to commit an offence) insert—

“(ba) an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide);”.

**Commencement Information**

**I94** Sch. 21 para. 59 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Law Reform (Year and a Day Rule) Act 1996 (c. 19)*

60 (1) Section 2 of the Law Reform (Year and a Day Rule) Act 1996 (restriction on institution of proceedings for a fatal offence) is amended as follows.

(2) For subsection (3)(b) (but not the “or” following it) substitute—

“(b) an offence under section 2(1) of the Suicide Act 1961 (offence of encouraging or assisting suicide) in connection with the death of a person,”.

(3) In subsection (5) after paragraph (a) insert—

“(aa) the reference in subsection (3)(b) to section 2(1) of the Suicide Act 1961 is to be read as a reference to section 13(1) of the Criminal Justice Act (Northern Ireland) 1966, and”.

**Commencement Information**

**I95** Sch. 21 para. 60 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

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*Serious Crime Act 2007 (c. 27)*

- 61 (1) The Serious Crime Act 2007 is amended as follows.  
(2) After section 51 insert—

**“51A Exceptions to section 44 for encouraging or assisting suicide**

Section 44 does not apply to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (offence of encouraging or assisting suicide).”

- (3) In Schedule 3 (offences to be disregarded for the purposes of the offences under sections 45 and 46)—  
(a) in Part 2, after paragraph 27 insert—

*“Suicide Act 1961 (c. 60)*

27A An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide).”, and

- (b) in Part 4, after paragraph 42 insert—

*“Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

42A An offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”

**Commencement Information**

**I96** Sch. 21 para. 61 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

**PART 3**

PROHIBITED IMAGES OF CHILDREN

*Sexual Offences Act 2003 (c. 42)*

- 62 (1) Schedule 3 to the Sexual Offences Act 2003 (sexual offences in respect of which offender becomes subject to notification requirements) is amended as follows.  
(2) After paragraph 35A insert—  
“35B An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—  
(a) was 18 or over, and  
(b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”  
(3) Paragraphs 92A to 92V, as inserted by Article 13 of the Sexual Offences (Northern Ireland) Consequential Amendments) Order 2008 (S.I. 2008/1779), are renumbered as paragraphs 92B to 92W of that Schedule (and are to be regarded as so inserted after paragraph 92A as inserted by paragraph 58(3) of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4)).

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) After paragraph 92W insert—

“92X An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—

- (a) was 18 or over, and
- (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”

(5) In paragraphs 93(1) and 93A(1) (service offences) for “35A” substitute “ 35B ”.

**Commencement Information**

**I97** Sch. 21 para. 62 partly in force; Sch. 21 para. 62(3) in force at Royal Assent see s. 182(1)(h)

**I98** Sch. 21 para. 62(1)(2)(4)(5) in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

*Criminal Justice Act 2003 (c. 44)*

63 In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for purposes of provisions about disclosure of information to the public), after paragraph 13 insert—

“13A An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”

**Commencement Information**

**I99** Sch. 21 para. 63 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

*Armed Forces Act 2006 (c. 52)*

64 In Schedule 2 to the Armed Forces Act 2006 (offences), after paragraph 12(au) add—

“(av) an offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”

**Commencement Information**

**I100** Sch. 21 para. 64 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

**PART 4**

ABOLITION OF COMMON LAW LIBEL OFFENCES ETC

*Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)*

65 (1) In section 1 of the Criminal Libel Act 1819 (power of court to make order for seizure of copies of libel)—

- (a) after “In every case” insert “ in Northern Ireland ”, and
- (b) omit from “, or any seditious libel” to “means”.

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*Status: Point in time view as at 08/10/2012.*

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(2) This paragraph does not extend to Scotland.

*Libel Act 1843 (c. 96)*

- 66 In section 7 of the Libel Act 1843 (evidence to rebut prima facie case of publication by agent)—
- (a) after “Whensoever” insert “ in Northern Ireland ”, and
  - (b) before “libel” insert “ blasphemous ”.

*Newspaper Libel and Registration Act 1881 (c. 60)*

- 67 In section 4 of the Newspaper Libel and Registration Act 1881 (inquiry by court of summary jurisdiction as to libel being for public benefit etc)—
- (a) after “jurisdiction” insert “ in Northern Ireland ”,
  - (b) before “libel” (in first place it occurs) insert “ blasphemous ”, and
  - (c) omit from “as to the publication” to “malice, and”.

*Law of Libel Amendment Act 1888 (c. 64)*

- 68 In section 8 of the Law of Libel Amendment Act 1888 (order of Judge required for prosecution of newspaper proprietor etc)—
- (a) after “commenced” insert “ in Northern Ireland ”, and
  - (b) before “libel” insert “ blasphemous ”.

**PART 5**

WITNESS ANONYMITY ORDERS

*Criminal Appeal Act 1968 (c. 19)*

- 69 In section 31 of the Criminal Appeal Act 1968 (powers of Court which are exercisable by single judge), after subsection (2E) insert—
- “(2F) The powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge in the same manner as they may be exercised by the Court.”

*Court Martial Appeals Act 1968 (c. 20)*

- 70 In section 36 of the Court Martial Appeals Act 1968 (powers of Court which are exercisable by single judge), in subsection (1), after paragraph (j) (as inserted by Schedule 8 to the Armed Forces Act 2006 (c. 52)) insert—
- “(k) to make a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009;
  - (l) to discharge or vary a witness anonymity order under any of sections 91, 92 and 93 of that Act;”.

*Status: Point in time view as at 08/10/2012.*

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*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

71 In section 45 of the Criminal Appeal (Northern Ireland) Act 1980 (powers of Court which are exercisable by single judge), after subsection (3D) insert—

“(3E) Subject to section 44(4) above, the powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge of the Court.”

**PART 6**

VULNERABLE AND INTIMIDATED WITNESSES

*Crime and Disorder Act 1998 (c. 37)*

72 In section 11(3) of the Crime and Disorder Act 1998 (special measures for witnesses: modifications of Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (c. 23))—

- (a) in paragraph (a), after “section 17(4)” insert “ to (7) ”,
- (b) in paragraph (b), for “section 21(1)(b) and (5) to (7)” substitute “ section 21(4C)(e) ”, and
- (c) before paragraph (d) insert—  
“(ca) section 22A,”.

**Commencement Information**

**I101** Sch. 21 para. 72 in force at 27.6.2011 by S.I. 2011/1452, art. 2(g)

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

73 In section 27(5) of the Youth Justice and Criminal Evidence Act 1999 (consequences of admitting video recording), in paragraph (a)(i), for “otherwise than by testimony in court” substitute “ in any recording admissible under section 28 ”.

**Commencement Information**

**I102** Sch. 21 para. 73 in force at 27.6.2011 by S.I. 2011/1452, art. 2(g)

**PART 7**

BAIL

*Bail Act 1976 (c. 63)*

74 In the Bail Act 1976—

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in section 4 (general right to bail of accused persons etc), in subsection (7) at the end add “ and section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge) ”, and
- (b) in section 7 (liability to arrest for absconding or breaking conditions of bail), after subsection (7) add—

“(8) In the case of a person charged with murder or with murder and one or more other offences—

- (a) subsections (4) and (5) have effect as if for “justice of the peace” there were substituted “ judge of the Crown Court ”,
- (b) subsection (6) has effect as if for “justice” (in both places) there were substituted “ judge ”, and
- (c) subsection (7) has effect, for the purposes of subsection (4), as if at the end there were added “, Saturday or bank holiday.”

#### Commencement Information

**I103** Sch. 21 para. 74 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

#### *Magistrates' Courts Act 1980 (c. 43)*

- 75 In section 117 of the Magistrates' Courts Act 1980 (warrant endorsed for bail), after subsection (1) insert—

“(1A) Subsection (1) is subject to section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge).”

#### Commencement Information

**I104** Sch. 21 para. 75 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

#### *Supreme Court Act 1981 (c. 54)*

- 76 In section 81 of the Supreme Court Act 1981 (granting of bail by the Crown Court)

- (a) after subsection (1)(g) insert—
  - “(h) in respect of whom a judge of the Crown Court is required to make a decision pursuant to section 115(3) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge);”, and”
- (b) in subsection (5) for “either” to the end substitute “—
  - (a) if the person is charged with murder or with murder and one or more other offences, the Crown Court, and
  - (b) in any other case, either the Crown Court or a magistrates' court.”



*Status: Point in time view as at 08/10/2012.*

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**Commencement Information**

**I105** Sch. 21 para. 76 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

*Police and Criminal Evidence Act 1984 (c. 60)*

- 77 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), after subsection (1)(b) add—  
“(c) the offence with which the person is charged is murder.”

**Commencement Information**

**I106** Sch. 21 para. 77 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

*Crime and Disorder Act 1998 (c. 37)*

- 78 In section 52 of the Crime and Disorder Act 1998 (supplementary provision about persons sent for trial to Crown Court), in subsection (1), after “1980 Act” insert “, section 115(1) of the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I107** Sch. 21 para. 78 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

**PART 8**

SENTENCING COUNCIL FOR ENGLAND AND WALES

*Parliamentary Commissioner Act 1967 (c. 13)*

- 79 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), after the entry for the Security Industry Authority insert—  
“Sentencing Council for England and Wales.”

**Commencement Information**

**I108** Sch. 21 para. 79 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Magistrates' Courts Act 1980 (c. 43)*

- 80 In section 19 of the Magistrates' Courts Act 1980 (decision as to allocation), as substituted by Schedule 3 to the Criminal Justice Act 2003 (c. 44), in subsection (3) for “170 of the Criminal Justice Act 2003” substitute “ 122 of the Coroners and Justice Act 2009 ”.

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*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I109** Sch. 21 para. 80 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Crime and Disorder Act 1998 (c. 37)*

- 81 In Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of that Act), in paragraph 9(3), as substituted by Schedule 3 to the Criminal Justice Act 2003, for “170 of the Criminal Justice Act 2003” substitute “ 122 of the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I110** Sch. 21 para. 81 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Freedom of Information Act 2000 (c. 36)*

- 82 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices), after the entry for the Senior Salaries Review Body insert—

“The Sentencing Council for England and Wales.”

**Commencement Information**

**I111** Sch. 21 para. 82 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Criminal Justice Act 2003 (c. 44)*

- 83 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

**I112** Sch. 21 para. 83 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)

- 84 In section 174 (duty to give reasons for, and explain effect of, sentence)—
- (a) for subsection (2)(a) substitute—
    - “(a) identify any definitive sentencing guidelines relevant to the offender's case and explain how the court discharged any duty imposed on it by section 125 of the Coroners and Justice Act 2009,
    - (aa) where the court did not follow any such guidelines because it was of the opinion that it would be contrary to the interests of justice to do so, state why it was of that opinion,”
  - (b) in subsection (2)(e), for “of particular importance” substitute “ relevant to the case ”,

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- (c) in subsection (4), for “Secretary of State” substitute “ Lord Chancellor ”,  
and
- (d) in subsection (6), for the definition of “guidelines” substitute—

““definitive sentencing guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued;”.

**Commencement Information**

**I113** Sch. 21 para. 84 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)

85 In section 269 (determination of minimum term in relation to mandatory life sentence)—

- (a) in subsection (6), for “Secretary of State” substitute “ Lord Chancellor ”,  
and
- (b) in subsection (7), for “Secretary of State shall consult the Sentencing Guidelines Council” substitute “ Lord Chancellor must consult the Sentencing Council for England and Wales ”.

**Commencement Information**

**I114** Sch. 21 para. 85 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

86 In section 277 (interpretation of Chapter 7), for the definition of “guidelines” substitute—

““guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales as definitive guidelines under section 120 of the Coroners and Justice Act 2009, as revised by any subsequent guidelines so issued;”.

**Commencement Information**

**I115** Sch. 21 para. 86 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

87 In section 330 (orders and rules), in subsection (1), after paragraph (b) add—

- “(c) the powers conferred on the Lord Chancellor by sections 174(4) and 269(6) to make an order.”

**Commencement Information**

**I116** Sch. 21 para. 87 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

88 In Schedule 38 (transitory, transitional and saving provisions), omit paragraphs 2 and 3.

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#### Commencement Information

**I117** Sch. 21 para. 88 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

#### *Armed Forces Act 2006 (c. 52)*

89 In section 259 of the Armed Forces Act 2006 (sentencing guidelines), for subsection (5) substitute—

“(5) In this section “guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued.”

#### Commencement Information

**I118** Sch. 21 para. 89 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

VALID FROM 16/07/2018

## PART 9

### DISQUALIFICATION FOR DRIVING

#### *Road Traffic Offenders Act 1988 (c. 53)*

- 90 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 34 (disqualification for certain offences), after subsection (4A) insert—
- “(4AA) For the purposes of subsection (4)(b), a disqualification is to be disregarded if the period of disqualification would have been less than 56 days but for an extension period added pursuant to—
- (a) section 35A or 35C,
  - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
  - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (3) In section 34A (as substituted by section 35 of the Road Safety Act 2006 (c. 49)) (reduced disqualification 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 (5), after “of this Act” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (c) in subsection (6), after “order”, in first place it occurs, insert “ (but including any extension period added pursuant to section 35A or 35C) ”, and
  - (d) after subsection (7) insert—

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“(7A) 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.”

(4) In section 34B (as so substituted) (certificates of completion of courses)—

- (a) in subsection (1), for “unreduced period” substitute “ total unreduced period of disqualification ”,
- (b) in subsection (2)—
  - (i) for “unreduced period” substitute “ total unreduced period of disqualification ”, and
  - (ii) for “reduced period”, in both places it occurs, substitute “ the total reduced period of disqualification ”, and
- (c) after subsection (11) add—

“(12) 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 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.”

(5) In section 34D (as inserted by section 15 of the Road Safety Act 2006) (reduced disqualification period: alcohol ignition interlock programme orders)—

- (a) in subsection (1)(d), after “section” insert “ and disregarding any extension period added pursuant to section 35A or 35C ”,
- (b) in subsection (3), after “specify” insert “ as the period of disqualification under section 34 (disregarding any extension period added pursuant to section 35A or 35C) ”,
- (c) after subsection (5) insert—

“(5A) An appropriate extension period (within the meaning of section 35A or 35C) is not to be added to the further order referred to in subsection (5).”,

(d) in subsection (6)—

- (i) in paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and
  - (ii) in paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and
- (e) after that subsection insert—

“(6A) In subsection (6)—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under this section;

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“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.”

(6) In section 35 (disqualification for repeated offences)—

- (a) in subsection (2), in the words following paragraph (b), after “offender is” insert “, subject to subsection (2A), ”, and
- (b) after subsection (2) insert—

“(2A) A previous disqualification imposed on an offender for a fixed period is not to be taken into account for the purposes of subsection (2) if that period would have been less than 56 days but for an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(7) In section 37 (effect of order of disqualification)—

- (a) in subsection (1A)(a), after “56 days” insert “ (disregarding any extension period) ”,
- (b) in subsection (1A), after “period of disqualification” insert “ (including any extension period) ”, and
- (c) after subsection (1A) insert—

“(1B) In subsection (1A) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(8) In section 42 (removal of disqualification)—

- (a) in subsection (3)—
  - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
  - (ii) in paragraph (a), after “four years” insert “ (disregarding any extension period) ”, and
  - (iii) in paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
- (b) after subsection (3) insert—

“(3A) In subsection (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in paragraph (a) postponed by a period equal to that extension period.”, and

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(c) after subsection (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(9) In section 47 (supplementary provisions as to disqualification and endorsements)—

- (a) in subsection (2) (as substituted by paragraph 44(2) of Schedule 3 to the Road Safety Act 2006 (c. 49)), after “or more” insert “ (disregarding any extension period) ”, and
- (b) after subsection (2), insert—

“(2ZA) In subsection (2) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

91 In section 248C of the Criminal Procedure (Scotland) Act 1995 (application of sections 248A and 248B), omit subsection (3).

PROSPECTIVE

*Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))*

92 (1) The Road Traffic Offenders (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 35(4) (disqualification for certain offences), in sub-paragraph (b) after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.

(3) In Article 36 (reduced disqualification period for attendance on courses)—

- (a) in paragraph (1)(b), after “months” insert “ (disregarding any extension period added pursuant to Article 40A) ”,
- (b) in paragraph (2), after “Article 35” insert “ (disregarding any extension period added pursuant to Article 40A) (“the unreduced period”) ”,
- (c) in paragraph (3), after “Article 35”, in both places it occurs, insert “ (disregarding any extension period added pursuant to Article 40A) ”,
- (d) after that paragraph insert—

“(3A) The reduced period” is the period of disqualification imposed under Article 35 of this Order (disregarding any extension period added pursuant to Article 40A) as reduced by an order under this Article.”, and

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*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(e) in paragraph (5), at the end insert “ but including any extension period added pursuant to Article 40A. ”

(4) In Article 37 (certificates of completion of courses)—

(a) in paragraph (1), for “period of disqualification imposed under Article 35” substitute “ total unreduced period of disqualification ”,

(b) in paragraph (2)—

(i) for “period of disqualification imposed under Article 35” 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 “ the total reduced period of disqualification ”, and

(c) after that paragraph insert—

“(2A) For the purposes of this Article—

“the total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under Article 36;

“the total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”

(5) In Article 38A (as inserted by Article 60 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (reduced disqualification period: alcohol ignition interlock programme orders)—

(a) in paragraph (1)(d), after “Article” insert “ and disregarding any extension period added pursuant to Article 40A ”,

(b) in paragraph (3), after “specify” insert “ as the period of disqualification under Article 35 (disregarding any extension period added pursuant to Article 40A) ”,

(c) after paragraph (5) insert—

“(5A) An appropriate extension period (within the meaning of Article 40A) is not to be added to the further order referred to in paragraph (5).”,

(d) in paragraph (6)—

(i) in sub-paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and

(ii) in sub-paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and

(e) after that paragraph insert—

“(6A) In paragraph (6)—

“total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under this Article;



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“total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”

(6) In Article 40(3) (disqualification for repeated offences), after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.

(7) In Article 42 (effect of order of disqualification)—

- (a) in paragraph (2)(a), after “56 days” insert “ (disregarding any extension period) ”,
- (b) in paragraph (2), after “period of disqualification” insert “ (including any extension period) ”, and
- (c) after paragraph (2) insert—

“(2A) In paragraph (2) “extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(8) In Article 47 (removal of disqualification)—

- (a) in paragraph (3)—
  - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
  - (ii) in sub-paragraph (a), after “4 years” insert “ (disregarding any extension period) ”, and
  - (iii) in sub-paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
- (b) after paragraph (3) insert—

“(3A) In paragraph (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in sub-paragraph (a) postponed by a period equal to that extension period.”, and
- (c) after paragraph (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(9) In Article 52 (supplementary provisions as to disqualification and endorsements)—

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- (a) in paragraph (2), after “or more” insert “ (disregarding any extension period)”, and
- (b) after paragraph (2), insert—
- “(2ZA) In paragraph (2) “extension period” means an extension period added pursuant to—
- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

PROSPECTIVE

*Crime (International Co-operation) Act 2003 (c. 32)*

F1893

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**Textual Amendments**

**F18** Sch. 21 para. 93 omitted (23.2.2017) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 22](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

**PART 10**

MISCELLANEOUS

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

94 (1) Section 160 of the Powers of Criminal Courts (Sentencing) Act 2000 (rules and orders) is amended as follows.

(2) For subsection (2) substitute—

“(2) A statutory instrument containing any order under section 107(1)(e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(3) For subsection (5) substitute—

“(5) An order under section 107(1)(e) may make different provision for different cases or classes of case.”

*Criminal Justice Act 2003 (c. 44)*

95 (1) Section 229 of the Criminal Justice Act 2003 (the assessment of dangerousness) is amended as follows.

(2) In subsection (2A), for paragraph (a) substitute—

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“(a) a conviction of an offence in any service disciplinary proceedings, and”.

(3) After that subsection insert—

“(2B) For the purposes of subsection (2A)(a) “service disciplinary proceedings” means—

- (a) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), and
- (b) any proceedings before a Standing Civilian Court;

and “conviction” includes the recording of a finding that a charge in respect of the offence has been proved.”

*Animal Welfare Act 2006 (c. 45)*

96 Section 8(6) of the Animal Welfare Act 2006 (penalties for offences relating to provision of information society services) ceases to have effect.

*Legal Services Act 2007 (c. 29)*

97 In Schedule 23 to the Legal Services Act 2007 (repeals), in the second column of the entry for the Constitutional Reform Act 2005 (c. 4), omit “1(2)”.

*Criminal Justice and Immigration Act 2008 (c. 4)*

98 (1) The Criminal Justice and Immigration Act 2008 is amended as follows.

(2) In section 11(6) and (7) for “(1A)(b)” substitute “ (1A)(c) ”.

(3) In paragraph 76 of Schedule 4—

- (a) in sub-paragraph (3) for “(1A)(a)” substitute “ (1A)(b) ”, and
- (b) in sub-paragraph (5)(b) and (6) for “(1A)(b)” (in each place it occurs) substitute “ (1A)(c) ”.

(4) In Schedule 1, in paragraph 30 (date of taking effect of youth rehabilitation orders etc)—

- (a) in sub-paragraph (1)—
  - (i) for “sub-paragraph (2)” substitute “ sub-paragraphs (1A) and (2) ”, and
  - (ii) omit “the day after”,
- (b) after that sub-paragraph insert—

“(1A) A court making a youth rehabilitation order may order that it is to take effect instead on a later date.”, and

- (c) in sub-paragraph (2), for “If” substitute “ In particular, if ”.

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## 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
  - (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—

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- (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.

*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

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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.

**Commencement Information**

**I119** Sch. 22 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(a)

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### *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**

**I120** 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**

**I121** 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
  - (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.

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- (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

**I122** 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 person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
  - 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
  - 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

**I123** 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).
- (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.



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**Commencement Information**

**I124** 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**

**I125** 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**

**I126** 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 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.
- (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

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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

**I127** 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.
- (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.

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- 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.
- (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

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- (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).

*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

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- (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.

**Commencement Information**

**I128** Sch. 22 para. 23 in force at 27.6.2011 by S.I. 2011/1452, art. 2(h)

- 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.

**Commencement Information**

**I129** Sch. 22 para. 24 in force at 27.6.2011 by S.I. 2011/1452, art. 2(h)

*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**

**I130** 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.

**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.

*Status: Point in time view as at 08/10/2012.*

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- (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

**I131** 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

**I132** 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—
- (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.

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- (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 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) ”.

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- 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

F19 35 .....

#### Textual Amendments

**F19** 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

F20 36 .....

#### Textual Amendments

**F20** 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.
- 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

**I133** Sch. 22 para. 38 in force at 12.1.2010 by [S.I. 2010/28](#), [art. 2](#)



*Status: Point in time view as at 08/10/2012.*

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### *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**

**I134** 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**

**I135** Sch. 22 para. 40 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

**I136** 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**

**I137** 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.
- (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.

*Status: Point in time view as at 08/10/2012.*

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#### Commencement Information

**I138** 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.
- (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;

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- (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**

**I139** 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**

**I140** 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**

**I141** 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.

**Commencement Information**

**I142** 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.

*Status: Point in time view as at 08/10/2012.*

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## SCHEDULE 23

Section 178

## REPEALS

VALID FROM 12/02/2013

## PART 1

## CORONERS ETC

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Births and Deaths Registration Act 1953 (c. 20)	In section 20, from “, at any time” to “of any person,”. Section 21. Section 23A(6). In section 29(4), paragraph (b) and the “or” preceding it. Section 34(4).
Coroners Act (Northern Ireland) 1959 (c. 15)	Section 19. Section 20.
Juries Act 1974 (c. 23)	Section 22(1).
Magistrates' Courts Act 1980 (c. 43)	In Schedule 6A, the entry relating to the Coroners Act 1988.
Coroners Act 1988 (c. 13)	The whole Act.
Caldey Island Act 1990 (c. 44)	Section 3. In section 4(1), paragraph (c).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 17, paragraph 23.
Treasure Act 1996 (c. 24)	Section 13.
Access to Justice Act 1999 (c. 22)	Section 71. Section 104(1). In Schedule 2, in paragraph 2, the “and” following paragraph (3).
Regional Assemblies (Preparations) Act 2003 (c. 10)	In the Schedule, paragraph 2.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 302.
Criminal Justice Act 2003 (c. 44)	In Schedule 3, paragraph 59.
Domestic Violence, Crime and Victims Act 2004 (c. 28)	In Schedule 10, paragraphs 26 and 27.
Human Tissue Act 2004 (c. 30)	In Schedule 6, paragraph 3.

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Constitutional Reform Act 2005 (c. 4)	In Schedule 1, paragraphs 19 to 21. In Schedule 4, paragraphs 193 to 195. In Schedule 7, in paragraph 4, the entry in Part A relating to the Coroners Act 1988.
Road Safety Act 2006 (c. 49)	Section 20(5). Section 21(4).
Armed Forces Act 2006 (c. 52)	In Schedule 16, paragraphs 110 and 111.
Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)	In Schedule 2, paragraph 1.
Local Government and Public Involvement in Health Act 2007 (c. 28)	In Schedule 1, paragraph 15.

## PART 2

### CRIMINAL OFFENCES

#### Commencement Information

- I143** Sch. 23 Pt. 2 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 27(a) (as amended (29.1.2010) by S.I. 2010/186, art. 2)
- I144** Sch. 23 Pt. 2 in force at 4.10.2010 for specified purposes by S.I. 2010/816, art. 5(g) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)
- I145** Sch. 23 Pt. 2 in force at 1.6.2011 for specified purposes for N.I. by S.R. 2011/182, art. 3(g)
- I146** Sch. 23 Pt. 2 partly in force; Sch. 23 Pt. 2 in force at 12.1.2010 for specified purposes, see s. 182(2)(e)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Libel Act 1792 (c. 60)	The whole Act.
Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)	In section 1, from “, or any seditious libel” to “means”.
Libel Act 1843 (c. 96)	Sections 4 to 6.
Newspaper Libel and Registration Act 1881 (c. 60)	In section 4, from “as to the publication” to “malice, and”.
Law of Libel Amendment Act 1888 (c. 64)	Sections 3 and 4.

#### Notes

- 1 The repeal of the Libel Act 1792 (c. 60), the repeal in section 1 of the Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8), the repeal of section 17(2) of the Defamation Act 1952 (c. 66), the repeal of section 20(2) of the Defamation Act 1996 and the repeals in section 10 of the Legal Deposit Libraries Act 2003 do not extend to Scotland.
- 2 The repeal of section 4 of the Law of Libel Amendment Act 1888 (c. 64) and the repeal of section 20(2) of the Defamation Act 1996 do not extend to Northern Ireland.

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Defamation Act 1952 (c. 66)	Section 17(2).
Homicide Act 1957 (c. 11)	Section 3.
Suicide Act 1961 (c. 60)	In Schedule 1— (a) in Part 1, the entry relating to the Children and Young Persons Act 1933, and (b) in Part 2, the entry relating to section 7 of the Visiting Forces Act 1952.
Criminal Justice Act (Northern Ireland) 1966 (c. 20)	Section 7.
Theatres Act 1968 (c. 54)	In section 4(1), from “(including” to “matter””. In section 7(2), from “or an offence” to “course of a performance of a play””. In section 8, from “or an offence” to “play””.
Broadcasting Act 1990 (c. 42)	In section 166, from “(including” to “matter””.
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 61(4) and (5).
Defamation Act 1996 (c. 31)	Section 20(2).
Legal Deposit Libraries Act 2003 (c. 28)	In section 10— (a) in subsection (1), “, or subject to any criminal liability,”, (b) in subsection (2)(a), “in the case of liability in damages”, (c) in subsection (3), “, or subject to any criminal liability,”, (d) in subsection (4)(a), “in the case of liability in damages”, (e) in subsection 6(a), “, or subject to any criminal liability,”, and (f) in subsection (8), “and criminal liability””.
Criminal Justice Act 2003 (c. 44)	In Schedule 21, in paragraph 11(d), “in a way not amounting to a defence of provocation””.

*Notes*

- 1 The repeal of the Libel Act 1792 (c. 60), the repeal in section 1 of the Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8), the repeal of section 17(2) of the Defamation Act 1952 (c. 66), the repeal of section 20(2) of the Defamation Act 1996 and the repeals in section 10 of the Legal Deposit Libraries Act 2003 do not extend to Scotland.
- 2 The repeal of section 4 of the Law of Libel Amendment Act 1888 (c. 64) and the repeal of section 20(2) of the Defamation Act 1996 do not extend to Northern Ireland.

### PART 3

#### CRIMINAL EVIDENCE AND PROCEDURE

##### Commencement Information

**I147** Sch. 23 Pt. 3 in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), art. 2, 4(1), [Sch. para. 22\(a\)](#)

*Status: Point in time view as at 08/10/2012.*

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- I148** Sch. 23 Pt. 3 in force at 27.6.2011 for specified purposes by S.I. 2011/1452, art. 2(h)  
**I149** Sch. 23 Pt. 3 in force at 3.10.2011 for specified purposes by S.I. 2011/2148, art. 2(1)(e)  
**I150** Sch. 23 Pt. 3 in force at 8.10.2012 in so far as not already in force by S.I. 2012/2374, art. 3(e)  
**I151** Sch. 23 Pt. 3 partly in force; Sch. 23 Pt. 3 in force at Royal Assent for specified purposes and at 1.1.2010 for further specified purposes, see s. 182(1)(j)(3)(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)	In section 2— (a) in subsection (2), from “, and where” to “the bill,”, (b) in subsection (2), from “Provided” to the end, and (c) in subsection (3), “has been signed by the proper officer of the court”. In Schedule 2, in paragraph 1, “and signing”.
Supreme Court Act 1981 (c. 54)	In section 82(1), “the signing of indictments,”.
Police and Criminal Evidence Act 1984 (c. 60)	Section 46ZA(3)(a) and (c). In section 46A(1ZA)(b), from “, without informing” to the end.
Crime and Disorder Act 1998 (c. 37)	Section 1I(3)(c). In section 57C— (a) subsection (7), (b) in subsection (8), “before or”, and (c) in subsection (9), paragraph (a) and the “and” following it. In section 57D— (a) subsection (2)(b), and (b) in subsection (3), paragraph (a) and the “and” following it. In section 57E— (a) in subsection (5), paragraph (a) and the “and” following it, and (b) in subsection (7), paragraph (a) and the “and” following it.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 21— (a) subsection (1)(b), (b) in subsection (4), the “and” following paragraph (b), and (c) subsections (5) to (7). Section 22(1)(b). In section 27— (a) in subsection (7)(a), from “if there” to “relevant time,”, (b) subsection (8), and (c) in subsection (9), from “and, if” to the end.

*Status: Point in time view as at 08/10/2012.*

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Criminal Justice Act 2003 (c. 44)	Section 120(7)(d).
	Section 138(1).
Criminal Evidence (Witness Anonymity) Act 2008 (c. 15)	Sections 1 to 9.
	Section 10(1) to (7).
	Section 14.

## PART 4

### SENTENCING

#### Commencement Information

**I152** Sch. 23 Pt. 4 in force at 6.4.2010 for specified purposes by S.I. 2010/816, art. 2, Sch. para. 22(b) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)

**I153** Sch. 23 Pt. 4 partly in force; Sch. 23 Pt. 4 in force at Royal Assent for specified purposes, see s. 182(1)(j)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries for the Sentencing Advisory Panel and the Sentencing Guidelines Council.
Race Relations Act 1976 (c. 74)	In Part 2 of Schedule 1A, the entry for the Sentencing Advisory Panel.
Criminal Procedure (Scotland) Act 1995 (c. 46)	Section 248C(3).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entries for the Sentencing Advisory Panel and the Sentencing Guidelines Council.
Criminal Justice Act 2003	Sections 167 to 173. In section 176, the definitions of— (a) “allocation guidelines”, (b) “the Council”, (c) “the Panel”, and (d) “sentencing guidelines”. In Schedule 38, paragraphs 2 and 3 and the italic heading before paragraph 2.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 357 and 358.
Criminal Justice and Immigration Act 2008 (c. 4)	In Schedule 4, paragraph 60(2) and (4). In Part 1 of Schedule 28, the entries relating to section 160(2) and (5) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).



*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART 5

### MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

#### Commencement Information

- I154** Sch. 23 Pt. 5 in force at 1.2.2010 for specified purposes by [S.I. 2010/145, art. 2\(1\)\(c\)](#)  
**I155** Sch. 23 Pt. 5 in force at 2.8.2010 for specified purposes by [S.I. 2010/1858, art. 2\(e\)](#)  
**I156** Sch. 23 Pt. 5 in force at 15.8.2010 for specified purposes by [S.I. 2010/1858, art. 3\(f\)](#)  
**I157** Sch. 23 Pt. 5 partly in force; Sch. 23 Pt. 5 in force at Royal Assent for specified purposes, see s. 182(1)(j)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Superannuation Act 1972 (c. 11)	In Schedule 1— (a) in the list headed “Other Bodies”, the entry for employment as a member of the staff of the Commissioner for Victims and Witnesses, and (b) in the list headed “Offices”, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
House of Commons Disqualification Act 1975 (c. 24)	In Part 3 of Schedule 1, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 3 of Schedule 1, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
Magistrates' Courts Act 1980 (c. 43)	In section 19(5), the “or” following paragraph (a).
Criminal Justice Act 1991 (c. 53)	Section 37(5) and (6). Section 50.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 25(5), the “and” following the definition of “conviction”.
Crime and Disorder Act 1998 (c. 37)	In Schedule 3, in paragraph 9(5), the “or” following paragraph (a).
Powers of Criminal Courts (Sentencing) Act 2000	In section 113(3), the “and” following the definition of “class A drug trafficking offence”.
Criminal Justice Act 2003 (c. 44)	In section 143(4), the “or” following paragraph (a).
Domestic Violence, Crime and Victims Act 2004 (c. 28)	Section 48(3) to (5). Section 49(2)(d) and (3)(b). Section 50(2). Schedule 8. In Schedule 9, paragraph 9.
Animal Welfare Act 2006 (c. 45)	Section 8(6).
Armed Forces Act 2006 (c. 52)	In section 238(3), the “or” following paragraph (a).

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F21

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Criminal Justice and Immigration Section 27.  
Act 2008 (c.4)

#### Textual Amendments

**F21** Words in [Sch. 23 Pt. 5](#) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 5](#); [S.I. 2012/669](#), art. 4(f)(i)

## PART 6

### LEGAL AID

#### Commencement Information

**I158** [Sch. 23 Pt. 6](#) in force at 1.2.2010 in so far as not already in force by [S.I. 2010/145](#), art. 2(2), [Sch. para. 27\(b\)](#) (with art. 3)

**I159** [Sch. 23 Pt. 6](#) partly in force; [Sch. 23 Pt. 6](#) in force at Royal Assent for specified purposes, see s. 182(1)(j)

#### *Short title and chapter*

#### *Extent of repeal*

Access to Justice Act 1999 (c. 22)

Section 2(2).

In section 17(3)(g), from “(including” to the end.

In section 17A(2)(e), from “including” to the end.

In Schedule 2, paragraph 1(h).

In Schedule 3, paragraph 8(5).

## PART 7

### CRIMINAL MEMOIRS ETC

#### Commencement Information

**I160** [Sch. 23 Pt. 7](#) in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 22\(c\)](#)

#### *Short title and chapter*

#### *Extent of repeal*

Serious Organised Crime and Police Act 2005 (c. 15)

In section 3(1), the “or” following paragraph (a).

*Status: Point in time view as at 08/10/2012.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART 8

### DATA PROTECTION ACT 1998

#### Commencement Information

**I161** Sch. 23 Pt. 8 in force at 6.4.2010 for specified purposes by S.I. 2010/816, art. 2, Sch. para. 22(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Data Protection Act 1998 (c. 29)	In section 16(1), the “and” following paragraph (ff). In section 20(2) “that at any time”. In Schedule 9, the “or” following paragraph 12(a).

## PART 9

### MISCELLANEOUS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Legal Services Act 2007 (c. 29)	In Schedule 23, in the entry for the Constitutional Reform Act 2005 (c. 4), in the second column “1(2),”.
Criminal Justice and Immigration Act 2008 (c. 4)	In Schedule 1, in paragraph 30(1), “the day after”.

**Status:**

Point in time view as at 08/10/2012.

**Changes to legislation:**

Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.