

1972 No. 1763 (C.42)

CRIMINAL PROCEDURE, ENGLAND AND WALES

CRIMINAL PROCEDURE, SCOTLAND

CRIMINAL PROCEDURE, NORTHERN IRELAND

**The Criminal Justice Act 1972 (Commencement No. 1)
Order 1972**

Made - - - 17th November 1972

In exercise of the powers conferred on me by section 66(6) of the Criminal Justice Act 1972^(a), I hereby make the following Order:—

1. This Order may be cited as the Criminal Justice Act 1972 (Commencement No. 1) Order 1972.

2. The provisions of the Criminal Justice Act 1972 specified in the Schedule to this Order shall come into force on 1st January 1973.

Robert Carr,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
17th November 1972.

SCHEDULE

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1972 COMING INTO FORCE ON
 1ST JANUARY 1973

Provisions of the Act	Subject matter of provisions
Sections 1 to 5	Compensation orders.
Section 6	Restitution orders.
Section 11	Suspended sentences.
Section 12	Suspended sentence supervision orders.
Section 13	Breach of requirements of suspended sentence supervision order.
Section 14	Restriction on imprisonment of persons who have not previously served prison sentences.
Sections 15 to 19	Community service orders.
Section 20	Probation orders requiring attendance at day training centre.
Section 21(1)	Maximum fine for breach of requirements of probation order.
Section 22	Deferment of sentence.
Section 23	Power to deprive offender of property used, or intended for use, for purposes of crime.
Section 26(1)	Amendment of Representation of the People Act 1949(a).
Section 27	Payments in respect of jury service.
Section 28	Punishment for firearms offences.
Section 29	Possession of firearms by persons convicted of crime in Northern Ireland.
Section 30	Punishment for unlawful eviction or harassment of tenants.
Section 31	Punishment for certain offences of Sunday trading.
Section 32	Punishment for use of premises in breach of closing order.
Section 33	Extension of definition of "public place" in Public Order Act 1936(b).
Section 35	Release on licence without recommendation of Parole Board.
Section 37	Restrictions on imprisonment etc. of persons not legally represented.
Section 38	Legal aid for appeals under Part I of Criminal Appeal Act 1968(c).
Section 39	Costs on appeal.

(a) 1949 c. 68.

(b) 1936 (1 Edw. 8 & 1 Geo. 6) c. 6.

(c) 1968 c. 19.

Provisions of the Act	Subject matter of provisions
Section 40	Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation.
Section 42	Order for return to borstal institution on re-conviction.
Section 43	Release of young persons arrested without warrant.
Section 44	Committal for trial of young persons.
Section 46	Admissibility of written statements made outside England and Wales.
Section 47	Summary trial of certain offences of arson.
Section 48	Proceedings under Indecency with Children Act 1960(a).
Section 51	Execution of process between England and Wales and Scotland.
Section 52	Functions of probation and after-care committees in relation to community service orders.
Section 53	Provision of day training centres, bail hostels, probation hostels etc.
Section 54	Maintenance of persons attending day training centres.
Section 55	Provision of accommodation for probation service.
Section 56	Financial and other provisions as to probation and after-care committees.
Section 57	Membership of probation and after-care committees and delegation of their functions.
Section 58	Amendment of Police (Property) Act 1897(b).
Section 59	Abolition of duty to re-convey certain prisons to local authorities.
Section 60	Power of entry in connection with acquisition of land for prisons.
Sections 63(1) and (2)	Powers of Parliament of Northern Ireland.
Section 64	Minor and consequential amendments and repeals.
Section 65	Expenses and receipts.
Section 66	Citation, interpretation, commencement and extent.
Schedule 3	Amendments of enactments relating to costs on appeal.
So much of Schedule 5 as is specified in Appendix A hereto.	Minor and consequential amendments.
So much of Part II of Schedule 6 as is set out in Appendix B hereto.	Repeals.

(a) 1960 c. 33.

(b) 1897 c. 30.

APPENDIX A

PROVISIONS OF SCHEDULE 5 TO THE CRIMINAL JUSTICE ACT 1972
 COMING INTO FORCE ON 1ST JANUARY 1973

So much of Schedule 5 as amends the following enactments:—

- The Petty Sessions (Ireland) Act 1851 (c.93)
- The Theatrical Employers Registration Act 1925 (c.50)
- The Children and Young Persons Act 1933 (c.12)
- The Incitement to Disaffection Act 1934 (c.56)
- The Dogs Amendment Act 1938 (c.21)
- The Criminal Justice Act 1948 (c.58)
- The Reserve and Auxiliary Forces (Training) Act 1951 (c.23)
- The Costs in Criminal Cases Act 1952 (c.48)
- The Magistrates' Courts Act 1952 (c.55)
- The Prevention of Fraud (Investments) Act 1958 (c.45)
- The Criminal Justice Act 1961 (c.39)
- The Criminal Justice Act 1967 (c.80) (but not the amendment to section 60(2) of that Act)
- The Criminal Appeal Act 1968 (c.19)
- The Theft Act 1968 (c.60)
- The Children and Young Persons Act 1969 (c.54)
- The Administration of Justice Act 1970 (c.31)
- The Immigration Act 1971 (c.77)

APPENDIX B

REPEALS TAKING EFFECT ON 1ST JANUARY 1973

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	Section 4.
8 Edw. 7 c. 65.	The Summary Jurisdiction (Scotland) Act 1908.	In section 77(4) the words "forty-four".
1 & 2 Geo. 5. c. 27.	The Protection of Animals Act 1911.	Section 4.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 11(2). Section 14(2). In section 77(3), the proviso. In section 80(6) the word "damages". In Schedule 1, in paragraph (b) of the proviso to paragraph 3, the words "or to submit to treatment for his mental condition". In Schedule 5, in paragraph 2(1)(a), the words from "and, if the order so provides" onwards; paragraph 3(4); and in paragraph 3(6) the words "in individual cases".

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	In section 17, in subsection (1), the definition of "prosecutor" and subsection (4).
16 & 17 Geo. 6. & 1 Eliz. 2. c. 52.	The Prison Act 1952.	Section 38 except as provided in section 59 of the Criminal Justice Act 1972.
15 & 16 Geo. 6. c. 55.	The Magistrates' Courts Act 1952.	Section 34.
6 & 7 Eliz. 2. c. 31.	The First Offenders Act 1958.	The whole Act.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 8(4).
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5 the amendment of the First Offenders Act 1958.
1964 c. 42.	The Administration of Justice Act 1964.	Section 22(2)(a). In Schedule 3, paragraph 19(4).
1967 c. 58.	The Criminal Law Act 1967.	In Schedule 2, paragraph 9.
1967 c. 80.	The Criminal Justice Act 1967.	Section 39(3) to (6). In section 54(5) the words from "and the maximum fine" onwards.
1968 c. 27.	The Firearms Act 1968.	In Schedule 6, in column 4 of Part I, in the entries relating to sections 16, 17(1) and (2) and 18(1), the words "in England or Wales".
1968 c. 60.	The Theft Act 1968.	Section 26(4).
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraph 1.
1970 c. 31.	The Administration of Justice Act 1970.	Section 50(a). In Schedule 9, in paragraph 12, the word "damages".
1971 c. 23.	The Courts Act 1971.	Section 53(2)(b). In Schedule 8 paragraph 43(2) and, in paragraph 48(a), the reference to section 73(5).
1971 c. 48.	The Criminal Damage Act 1971.	Section 7(1). Section 8.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 1st January 1973 the provisions of the Criminal Justice Act 1972 set out in the Schedule to the Order.

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