

1983 No. 182 (C.8)

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND****The Criminal Justice Act 1982 (Commencement No. 2)
Order 1983**

Made - - - - 17th February 1983

In exercise of the powers conferred on me by section 80(2) of the Criminal Justice Act 1982 (a), I hereby make the following Order:—

1.—(1) This Order may be cited as the Criminal Justice Act 1982 (Commencement No. 2) Order 1983.

(2) In the case of any provision specified in the Schedule to this Order which, by virtue of section 81 of the Criminal Justice Act 1982, extends to Scotland nothing in this Order shall bring the provision into force in its application to Scotland.

2. The provisions of the Criminal Justice Act 1982 specified in the Schedule to this Order shall come into operation on 24th May 1983.

Home Office.
17th February 1983.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE

PROVISIONS OF THE CRIMINAL JUSTICE ACT 1982 COMING INTO OPERATION ON
24TH MAY 1983

Provisions of the Act	Subject matter of provisions
Part I (but not sections 26 to 28 which came into force on 31st January 1983).	Treatment of Young Offenders.
Section 29.	Power of Crown Court to grant bail pending appeal.
Section 51.	Variation of instalments and means inquiries.
Section 58.	Courts-martial and Standing Civilian Courts.
Section 59.	Remand in custody in absence of accused.
Section 60.	Applications to Crown Court for bail by persons remanded in custody.
Section 61.	Legal representation in case of committal on written statements.
Section 62.	Social inquiry reports on persons who have not previously served prison sentences.
Section 65(2) to the extent necessary to bring into operation paragraph 6(a)(iii) and (v) of Schedule 11.	Probation and after-care.
Section 68.	Community service orders.
Section 69.	Imprisonment for fine defaulters.
Section 72.	Abolition of right of accused to make unsworn statement.
Section 77 to the extent necessary to bring into operation the provisions of Schedule 14 specified in Appendix A hereto.	Minor and consequential amendments.
Section 78 to the extent necessary to bring into operation the provisions of Schedule 16 specified in Appendix B hereto.	Repeals.
Section 79 to the extent necessary to bring into operation paragraphs 1 to 14 of Schedule 17.	Transitional.
Schedule 8.	Courts-martial, etc.
Schedule 9.	Amendments of Magistrates' Courts Act 1980 relating to remands in custody.
Paragraph 6(a)(iii) and (v) of Schedule 11.	Probation and after-care.
Schedule 12.	Community service orders—England and Wales.
Schedule 13.	Community service orders—reciprocal arrangements.
So much of Schedule 14 as is specified in Appendix A hereto.	Minor and consequential amendments.

Provisions of the Act	Subject matter of provisions
So much of Schedule 16 as is specified in Appendix B hereto.	Repeals.
Paragraphs 1 to 14 of Schedule 17.	Transitional.

APPENDIX A

PROVISIONS OF SCHEDULE 14 COMING INTO OPERATION ON 24TH MAY 1983

So much of Schedule 14 as amends the following enactments:—

- Sections 13(2), 37(4), 47, 49 and 53(1) of the Prison Act 1952 (c.52).
- Sections 23(4), 26, 29(1), 30(3), 32(2), 33, 38, 39 and 42(1) of the Criminal Justice Act 1961 (c.39).
- Sections 60(1) and (5A) and 61(1) of the Criminal Justice Act 1967 (c.80).
- The Criminal Appeal Act 1968 (c.19).
- The Firearms Act 1968 (c.27).
- The Children and Young Persons Act 1969 (c.54).
- The Fire Precautions Act 1971 (c.40).
- Sections 6, 20, 32(2) and 42 of the Powers of Criminal Courts Act 1973 (c.62).
- The Juries Act 1974 (c.23).
- The Rehabilitation of Offenders Act 1974 (c.53).
- Sections 36 and 38A of the Criminal Law Act 1977 (c.45).
- The Child Care Act 1980 (c.5).
- The Magistrates' Courts Act 1980 (c.43).
- The Contempt of Court Act 1981 (c.49).

APPENDIX B

REPEALS TAKING EFFECT ON 24TH MAY 1983

Chapter	Short title	Extent of repeal
61 & 62 Vict. c.36.	Criminal Evidence Act 1898.	In section 1, paragraph (h) of the proviso.
15 & 16 Geo. 5. c.86.	Criminal Justice Act 1925.	Section 12, so far as unrepealed.
11 & 12 Geo. 6. c.58.	Criminal Justice Act 1948.	Sections 19 and 20. Section 48(2). Section 52. Section 76(2).

Chapter	Short title	Extent of repeal
15 & 16 Geo.6. & 1 Eliz.2. c.52	Prison Act 1952.	Sections 44 to 46. Section 49(2)(b).
3 & 4 Eliz.2. c.18.	Army Act 1955.	Section 71A(2).
3 & 4 Eliz.2. c.19.	Air Force Act 1955.	Section 71A(2).
5 & 6 Eliz.2. c.53.	Naval Discipline Act 1957.	Section 43A(2).
9 & 10 Eliz.2. c.39.	Criminal Justice Act 1961.	Section 1. Sections 3 to 7. Sections 10 to 13. Section 32(2)(a), (c) and (e). Section 34. Section 38(5) (but only so far as the repeal relates to paragraphs (a) and (b) of subsection (5)). In section 39(1), the definition of "the statutory restriction on the imprisonment of young offenders". Schedule 1. In Schedule 4, the entries relating to sections 19 and 20 of the Criminal Justice Act 1948 and the entries relating to sections 43, 44 and 45 of the Prison Act 1952. Schedule 6.
1967 c.80.	Criminal Justice Act 1967.	In section 60, in subsection (3), paragraph (b), and the word "or" immediately preceding it, the words from "Provided" to the end and subsection (5A)(b) and (c). Section 63. Section 66(1). Section 67(1)(b).
1968 c.19.	Criminal Appeal Act 1968.	In section 20, the words "(hereafter referred to as "the registrar")".
1969 c.54.	Children and Young Persons Act 1969.	Section 7(1), (3) and (4). Section 31. In section 34(1), paragraph (d) and the words in paragraph (f) from "or section" to "fifteen". In Schedule 4, paragraph 6. In Schedule 5, paragraphs 5, 23 and 44.
1971 c.23.	Courts Act 1971.	In Schedule 8, paragraph 22.
1972 c.71.	Criminal Justice Act 1972.	Section 42. In Schedule 5, the entry relating to the Children and Young Persons Act 1933, the entries relating to the Criminal Justice Act 1961 and the first paragraph of the entry relating to the Children and Young Persons Act 1969.

Chapter	Short title	Extent of repeal
1973 c.62.	Powers of Criminal Courts Act 1973.	In section 14(1), the words from “for such” to “in the order”. Section 19. In section 21, in subsection (1), the words “Borstal training or detention in a detention centre” and subsection (3)(c). In section 23, subsections (3), (4) and (5). Section 29(6). In section 32(2), the words “Schedule 4 to that Act or”. In section 45(4), the words “Borstal training or detention in a detention centre”. In Schedule 5, paragraphs 1, 13 and 33.
1974 c.53.	Rehabilitation of Offenders Act 1974.	In section 5(1)(c), the word “and”.
1976 c.52.	Armed Forces Act 1976.	In section 13, the words “not exceeding 12 months”.
1976 c.63.	Bail Act 1976.	In Schedule 2, paragraphs 40 and 42.
1977 c.45.	Criminal Law Act 1977.	In section 36, subsection (1) and in subsection (9) the definition of “the statutory restrictions upon the imprisonment of young offenders”. Section 37(1). In Schedule 12, the entry relating to the Criminal Justice Act 1948, the entry relating to the Prison Act 1952, paragraph 1 and paragraph 2(3) and (4) of the entry relating to the Criminal Justice Act 1961, paragraphs 7(2) and 8 of the entry relating to the Criminal Justice Act 1967, paragraph 1 of the entry relating to the Children and Young Persons Act 1969.
1978 c.49.	Community Service by Offenders (Scotland) Act 1978 (a).	Section 6(3). Schedule 1.
1979 c.2.	Customs and Excise Management Act 1979.	In Schedule 4, in the entry relating to the Powers of Criminal Courts Act 1973, the words “31(7) and”.
1980 c.43.	Magistrates’ Courts Act 1980	In section 76(1), the words “and section 19 of the Powers of Criminal Courts Act 1973”. In section 81(8), the definition of “the statutory restrictions upon the imprisonment of young offenders”. Section 131(3). In Schedule 7, paragraphs 38 to 42, 79 and 84 and in paragraph 120(a), the words from “and for” to the end of the paragraph.

(a) The provisions of the Community Service by Offenders (Scotland) Act 1978 referred to in this Appendix extend to England and Wales by virtue of section 15(5) of that Act.

Chapter	Short title	Extent of repeal
S.I. 1980/1088.	Criminal Justice and Armed Forces (Northern Ireland) Consequential Amendments Order 1980.	In Article 2, paragraph (1)(a)(ii) and (iii) and (e).
1981 c.49.	Contempt of Court Act 1981.	Section 12(3). Section 14(3).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order (which does not affect Scotland) brings into force on 24th May 1983 those provisions of the Criminal Justice Act 1982 specified in the Schedule to this Order. On 24th May all provisions of the Act of 1982 affecting places outside Scotland will have been brought into force by this Order and the Criminal Justice Act 1982 (Commencement No. 1) Order 1982 (S.I. 1982/1857) with the exception of the repeal in Schedule 16 of paragraphs (c) and (d) of section 38(5) of the Criminal Justice Act 1961 (which relate principally to sentences in the Channel Islands and the Isle of Man). Certain provisions of the Act of 1982 were brought into force as respects Scotland by the Criminal Justice Act 1982 (Scotland) (Commencement No. 1) Order 1983 (S.I. 1983/24).

SI 1983/182
ISBN 0-11-036182-2

