

1990 No. 2084 (C.51)

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988 (Commencement No. 12)
Order 1990**

Made - - - -

22nd October 1990

In exercise of the powers conferred on me by section 171(1) and (2) of the Criminal Justice Act 1988(a), I hereby make the following Order:

1. This Order may be cited as the Criminal Justice Act 1988 (Commencement No. 12) Order 1990.

2. Subject to article 3 below, section 32 of the Criminal Justice Act 1988 (evidence through television links) shall, so far as it is not already in force, come into force on 26th November 1990 for the following purposes:

- (a) proceedings for murder, manslaughter or any other offence consisting in the killing of any person;
- (b) proceedings being conducted by the Director of the Serious Fraud Office under section 1(5) of the Criminal Justice Act 1987(b);
- (c) proceedings (other than those falling within paragraph (b) above) in which a notice of transfer has been given under section 4 of that Act by any of the authorities designated by subsection (2) of that section; in each case being proceedings falling within paragraphs (a) to (c) of that article.

3. This Order shall not apply in the case of –

- (a) a trial on indictment; or
- (b) an appeal to the criminal division of the Court of Appeal; or
- (c) the hearing of a reference under section 17 of the Criminal Appeal Act 1968(c),

if the trial, the appeal or the hearing, as the case may be, has begun before 26th November 1990; and, in a case where a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1987 (power of judge to order preparatory hearing in serious and complex fraud), the effect of section 8 of that Act (trial to begin with preparatory hearing) shall, for the purpose of this article, be disregarded and the trial shall be taken to begin with the swearing of the jury.

Home Office
22nd October 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 26th November 1990 for certain purposes section 32 of the Criminal Justice Act 1988 so far as it is not already in force. The effect of the Order is to enable evidence to be given at a trial on indictment or an appeal through a live television link where the witness is outside the United Kingdom for the following purposes: proceedings for murder, manslaughter or any other offence of killing any person; proceedings being conducted by the Director of the Serious Fraud Office as appearing to him to involve serious or complex fraud; and proceedings for serious and complex fraud where there has been given a notice of transfer (which has the effect of bypassing the committal stage).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order—

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 123, Schedule 8, sections 125 to 128, Schedule 10, section 170(1) (partially), section 170(2) (partially), Schedule 15 (partially) and Schedule 16 (partially)	1.10.1988	1988/1408
Sections 33, 34, 37 to 39, 40 to 42, 49, 51 to 57, 59, 63, 70, 96, 97, 104 to 107, 121, 122, 131 to 133, 145, 147, 148, 155 to 157, 163 to 165, 170(1) (partially), 170(2) (partially), Schedule 11, Schedule 12, Schedule 15 (partially) and Schedule 16 (partially)	12.10.1988	1988/1676
Section 124 and Schedule 9, section 170(2) (partially), and Schedule 16 (partially)	1.11.1988	1988/1817 (S. 169)
Sections 32 (partially), 50, 60 to 62, 118, 120, 130, 152 to 154, 170(1) (partially), 170(2) (partially), Schedule 15 (partially), Schedule 16 (partially)	5.1.1989	1988/2073
Sections 35 and 36, section 170(1) (partially), Schedule 3, Schedule 15 (partially)	1.2.1989	1989/1
Section 103, Schedule 5 (partially), section 170(2) (partially), Schedule 16 (partially)	23.1.1989	1989/50
Part II and Schedule 2, sections 30 and 31, Part VI (partially), section 151(5), Schedule 5 (partially), Schedule 15 (partially) and Schedule 16 (partially)	3.4.1989	1989/264
Section 43, section 146 and Schedule 13, sections 159, 170(1) (partially) and 170(2) (partially), Schedule 15 (partially) and Schedule 16 (partially)	31.7.1989	1989/1085
Section 119	15.2.1990	1989/1085
Section 1(9) (partially) and Part II of Schedule 1	26.9.1989	1989/1595
Section 29 (partially)	12.3.1990	1990/220
Sections 22 and 65	5.6.1990	1990/1145

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