

2004 No. 2167 (C. 90)

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 1988 (Commencement No. 14)
Order 2004**

Made - - - -

20th August 2004

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

1. This Order may be cited as the Criminal Justice Act 1988 (Commencement No. 14) Order 2004.

2. Subject to article 3, subsections (1)(a) and (3) of section 32 of the 1988 Act, so far as they are not already in force, shall come into force on 1st September 2004 in so far as they relate to proceedings to which subsection (1A)(a) of section 32 applies(b).

3.—(1) This Order shall not apply if the trial, appeal or the hearing, as the case may be, has begun before 1st September 2004.

(2) For the purposes of this Order, the start of the trial shall be taken to occur at the time when the jury are sworn.

(3) The reference in paragraph (2) to the time when the jury are sworn includes the time when that jury would be sworn but for the making of an order under Part 7 of the Criminal Justice Act 2003 (c) (trials on indictment without a jury).

Home Office
20th August 2004

Fiona McTaggart
Parliamentary Under-Secretary of State

(a) 1988 c.33.

(b) Section 32(1A) of the Criminal Justice Act 1988 was inserted by the Criminal Justice Act 1991 (c.53) section 55(3), and amended by the Criminal Appeal Act 1995 (c.35) section 29, Schedule 2 paragraph 16(2).

(c) 2003 c.44.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st September 2004 sections 32(1)(a) and (3) of the Criminal Justice Act 1988 for the purposes of trials on indictment, appeals to the Criminal Division of the Court of Appeal and hearings of references under section 9 of the Criminal Appeal Act 1995. The effect of the Order is to enable evidence to be given in these proceedings through a live television link where the witness is outside the United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice Act 1988 have been brought into force by commencement order made before the date of this Order—

<i>Provision</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)	12.10.1998	1988/1676
Section 124 and Schedule 9, section 170(2) (partially), and Schedule 16 (partially)	1.11.1988	1988/1817
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
Section 32 (partially)	22.10.1990	1990/2084
Section 170(2) (partially) and Schedule 16 (partially)	1.1.2000	1999/3425

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