

**2004 No.3033 (C.126)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003 (Commencement No. 6 and  
Transitional Provisions) Order 2004**

*Made* - - - -

*17th November 2004*

The Secretary of State, in exercise of the powers conferred upon him by sections 330(4)(b) and 336(3) and (4) of the Criminal Justice Act 2003(a) hereby makes the following Order:

**1.**—(1) This Order may be cited as the Criminal Justice Act 2003 (Commencement No. 6 and Transitional Provisions) Order 2004.

(2) In this Order “the 2003 Act” means the Criminal Justice Act 2003.

**2.**—(1) Subject to paragraphs (3) and (4), section 279 of, and Schedule 24 (drug treatment and testing requirement in action plan order or supervision order) to, the 2003 Act shall come into force on 1<sup>st</sup> December 2004, for the purpose of sentencing persons resident in the areas specified in paragraph (2) by courts in those areas.

(2) The areas referred to in paragraph (1) are the petty sessions areas(b) of Bradford, Calderdale, Keighley, Manchester and Newham, and that part of Teesside petty sessions area that is coterminous with the borough of Middlesbrough(c).

(3) The commencement of the provisions referred to in paragraph (1) is of no effect in relation to the sentencing of a person convicted of an offence committed before 1<sup>st</sup> December 2004.

(4) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of paragraph (3) to have been committed on the last of those days.

**3.**—(1) The provisions of the 2003 Act which are listed in paragraph (2) shall come into force on 15<sup>th</sup> December 2004.

(2) The provisions referred to in paragraph (1) are—

(a) sections 98 to 110, and 112 (evidence of bad character);

(b) section 331 (minor and consequential amendments) in so far as it relates to the provisions referred to in sub-paragraph (d);

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(a) 2003 c.44.

(b) Part 2 of the Courts Act 2003 (c.39) makes provision for local justice areas, which will replace petty sessions areas from a date to be appointed.

(c) See section 1 of the Local Government Act 1972 (c.70), which makes provision for local government areas.

- (c) section 332 (repeals) in so far as it relates to the provisions referred to in sub-paragraph (e);
- (d) in Part 5 of Schedule 36 (further and minor consequential amendments: evidence), paragraphs 79, 80 and 85; and
- (e) in Schedule 37 (repeals)—
  - (i) Part 5 (evidence of bad character); and
  - (ii) in Part 12, the entries relating to—
    - (aa) the Bail Act 1976 (c.63);
    - (bb) the Magistrates' Courts Act 1980 (c.43), except the reference to section 12(1)(a)(i) of that Act;
    - (cc) the Crime and Disorder Act 1998 (c.37);
    - (dd) the Youth Justice and Criminal Evidence Act 1999 (c.23); and
    - (ee) the Powers of Criminal Courts (Sentencing) Act 2000 (c.6).

4.—(1) The provisions of the 2003 Act which are listed in paragraph (2) shall come into force on 1<sup>st</sup> January 2005.

(2) The provisions referred to in paragraph (1) are—

- (a) section 113 and Schedule 6 (evidence of bad character: armed forces);
- (b) section 331 (minor and consequential amendments) in so far as it relates to the provisions referred to in sub-paragraph (c); and
- (c) in Part 5 of Schedule 36 (further and minor consequential amendments: evidence), paragraphs 81 to 84 to the extent that they relate to Schedule 6.

Home Office  
17th November 2004

*Scotland of Asthal*  
Minister of State

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force the provisions of the Criminal Justice Act 2003 (c.44) which are listed in articles 2, 3 and 4 on 1<sup>st</sup> and 15<sup>th</sup> December 2004, and 1<sup>st</sup> January 2005 respectively. Article 2(3) is a transitional provision, included to ensure that the provisions commenced in that article do not have retrospective effect.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2, 4, 6 to 8, 11 and 12 and Schedule 1 (amendments of Police and Criminal Evidence Act 1984)	20.1.2004	2004/81
Section 3 (arrestable offences)	29.1.2004	2004/81
Section 5 (partially) (drug testing for under-eighteens)	1.8.2004	2004/1867
Section 9 (taking fingerprints without consent)	5.4.2004	2004/829
Section 10 (taking non-intimate samples without consent)	5.4.2004	2004/829
Sections 13, 15(3), 16, 17 and 19 to 21 (bail)	5.4.2004	2004/829
Sections 22 to 24 (conditional cautions)	3.7.2004	2004/1629
Section 25 (conditional cautions, code of practice)	29.1.2004	2004/81
Sections 26 and 27 (partially) (conditional cautions)	3.7.2004	2004/1629
Section 28 and Schedule 2 (partially) (charging etc)	29.1.2004 3.7.2004	2004/81 2004/1629
Section 31 (removal of requirement to substantiate information on oath)	29.1.2004	2004/81
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	22.1.2004	2004/81
Section 49 (rules of court)	29.1.2004	2004/81
Section 55 (rules of court)	29.1.2004	2004/81
Section 73 (rules of court)	29.1.2004	2004/81
Section 93 (rules of court)	29.1.2004	2004/81
Section 111 (rules of court)	29.1.2004	2004/81
Section 132 (rules of court)	29.1.2004	2004/81
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 167, 168 (partially) and 169 to 173 (sentencing and allocation guidelines)	27.2.2004	2004/81
Section 174 (duty to give reasons for, and explain effect of, sentence) (partially)	5.4.2004	2004/829
Section 176 (interpretation of Chapter 1)	5.4.2004	2004/829
Sections 182 and 183 (partially), 184-186, 187 (partially) and	26.1.2004	2003/3282

Schedule 10 (prison sentences of less than 12 months)		
Sections 195 to 205, 213 to 219 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3) (partially)	26.1.2004	2003/3282
Sections 237, 239 and Schedule 19, 241, 244 to 246, 248 to 257, 259, 263 to 265 and 268 (release on licence) (partially)	26.1.2004	2003/3282
Section 262 and Schedule 20 (prisoners liable to removal from the United Kingdom: modifications of Criminal Justice Act 1991)	14.6.2004	2004/829
Section 284 and Schedule 28 (increase in penalties for drug-related offences)	29.1.2004	2004/81
Section 285 (increase in penalties for certain driving-related offences)	27.2.2004	2004/81
Section 286 (increase in penalties for offences under section 174 of the Road Traffic Act 1988)	29.1.2004	2004/81
Sections 287 to 293 (firearms offences) and Schedule 29 (sentencing for firearms offences in Northern Ireland)	22.1.2004	2004/81
Sections 294 to 297 (offenders transferred to mental hospital)	20.1.2004	2004/81
Section 299 and Schedule 30 (disqualification from working with children)	1.5.2004	2004/829
Section 302 (execution of process between England and Wales and Scotland) (partially)	26.1.2004	2003/3282
Section 304 and Schedule 32 (amendments relating to sentencing) (partially)	26.1.2004 22.1.2004	2003/3282 2004/81
Section 305 (interpretation of Part 12) (partially)	26.1.2004	2003/3282
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Sections 316 and 317 (power to substitute conviction of alternative offence on appeal in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 318 (substitution of	1.9.2004	2004/1629

conviction on different charge on appeal from court-martial)		
Section 320 (offence of outraging public decency triable either way)	20.1.2004	2004/81
Section 321 and Schedule 33 (jury service)	5.4.2004	2004/829
Sections 322 and 323 (individual support orders)	1.5.2004	2004/829
Section 324 and Schedule 34 (parenting orders and referral orders)	27.2.2004	2004/81
Sections 325 to 327 (arrangements for assessing etc risks posed by sexual or violent offenders)	5.4.2004	2004/829
Section 328 and Schedule 35 (criminal record certificates: amendments of Part 5 of the Police Act 1997) (partially)	29.1.2004	2004/81
Section 329 (civil proceedings brought by offenders)	20.1.2004	2004/81
Section 331 and Schedule 36 (further minor and consequential amendments) (partially)	5.4.2004 1.9.2004	2004/829 2004/1629
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004, 29.1.2004, 27.2.2004 5.4.2004	2004/81 2004/829
Section 333 and Schedule 38 (supplementary and consequential provision, etc.) (partially)	27.2.2004	2004/81





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STATUTORY INSTRUMENTS

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