

2009 No. 3111 (C. 139)

CRIMINAL LAW

**The Criminal Justice Act 2003 (Commencement No. 8 and
Transitional and Saving Provisions) (Amendment No. 2) Order
2009**

Made - - - - 26th November 2009

Coming into force - - 30th November 2009

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

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (Commencement No 8 and Transitional and Saving Provisions) (Amendment No. 2) Order 2009 and shall come into force on 30 November 2009.

Amendments to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005

2. The Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005(b) is amended as follows—

- (a) in article 2(1), omit the words “paragraph (2) and”;
- (b) omit article 2(2);
- (c) omit article 4;
- (d) for paragraph 7 of Schedule 2 substitute—

“7 Notwithstanding the coming into force of section 1 of the Criminal Justice and Immigration Act 2008(c), paragraphs 8 to 10 shall have effect in relation to—

- (a) any offence committed before 30 November 2009; or
- (b) any failure to comply with an order made in respect of an offence committed before 30 November 2009.”;
- (e) in paragraph 11 of Schedule 2, for the words down to and including “article 4 of this Order,” substitute “Notwithstanding the coming into force of section 1 of the Criminal Justice and Immigration Act 2008 in relation to any offence committed before 30

(a) 2003 c.44.
(b) S.I. 2005/950, amended by S.I. 2009/616.
(c) 2008 c.4

November 2009 or any failure to comply with an order made in respect of an offence committed before 30 November 2009,”; and

- (f) in paragraph 12 of Schedule 2, for the words down to and including “article 2(2) of this Order,” substitute “Notwithstanding the coming into force of section 1 of the Criminal Justice and Immigration Act 2008, in relation to any offence committed before 30 November 2009 or any failure to comply with an order made in respect of an offence committed before 30 November 2009,”.

Revocation

3. The Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) (Amendment) Order 2009(a) is revoked.

Signed by the authority of the Secretary of State

26th November 2009

Maria Eagle
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (“the Commencement Order”). It omits references to provisions in the Criminal Justice Act 2003 relating to community orders which, as enacted, were originally intended to apply to 16 and 17 year olds. As from 30 November 2009 the provisions relating to youth rehabilitation orders in section 1 of the Criminal Justice and Immigration Act 2008 (c.4) will apply to persons under 18 years. Consequential changes to the transitional and saving provisions in respect of community orders are made to Schedule 2 of the Commencement Order.

Article 3 revokes an earlier amending instrument.

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 5 to the extent not already in force	1.12.2005	2005/3055
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, 18, 19 to 21 (bail)	5.4.2004	2004/829

(a) S.I. 2009/616

	4.4.2005	2005/950
	3.7.2004	2004/1629
Sections 14 (offences committed while on bail) and 15(1) and (2) (failure to surrender by persons released on bail) for the purposes only of any offence) (partially) and paragraph 3 of Schedule 36 (minor and consequential).	1.1.2007	2006/3217
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 15.10.2009	2004/1629 2009/2775
Section 28 and Schedule 2 and section 31 (charging etc)	29.1.2004 3.7.2004 1.10.2007	2004/81 2004/1629 2007/284
Sections 29 and 30 (new method of instituting proceedings)(partially)	25.7.2007 9.6.2008 1.11.2009	2007/1999 2008/1424 2009/2879
Sections 32, 33(2), 36 to 38 and 39 (disclosure)	4.4.2005 15.7.2005	2005/950 2005/1817
Section 33(1) (partially)	24.7.2006	2006/1835
Section 40 (code of practice for police interviews of witnesses notified by accused)	5.4.2004	2004/829
Section 41 (allocation of offences triable either way)(partially) and Schedule 3 (partially)	4.4.2005 9.5.2005	2005/950 2005/1267
Section 42 (mode of trial for certain firearms offences: transitory arrangements)	22.1.2004	2004/81
Section 44 (jury tampering), 45 (procedure for applications), 46 (discharge of jury because of jury tampering), 47 (appeals), 48 (partially)	24.7.2006	2006/1835
Section 49 (rules of court)	29.1.2004	2004/81
Section 50 (partially)	8.1.2007	2006/3422
Section 55 (rules of court)	9.1.2004	2004/81
Sections 51, 52, 54 and 56 (live links)(partially)	7.12.2007	2007/3451
Sections 57 to 61, 67 to 74 (prosecution appeals)	29.1.2004 4.4.2005	2004/81 2005/950
Sections 75 to 96 and Schedule 5 (retrial for sexual offences)	29.1.2004 18.4.2005	2004/81
Section 97 (application of Criminal Appeal Acts)	7.3.2005	2005/373
Sections 98 to 113 and Schedule 6 (evidence of bad character)	29.1.2004 15.12.2004 1.1.2005	2004/81 2004/3033 2004/3033
Sections 114 to 136 (hearsay evidence) and Schedule 7 (hearsay evidence: armed forces)	4.4.2005	2005/950
Section 139 to 141 (use of documents to refresh memory)	5.4.2004	2004/829
Sections 142 to 150, 152, 153, 156 to 160; 162 to 166	7.3.2005 4.4.2005	2005/373 2005/950
Sections 167 and 168 (partially) and 169 to	27.2.2004	2004/81

173 (sentencing and allocation guidelines)		
Section 174 (duty to give reasons for, and explain effect of, sentence)	5.4.2004 4.4.2005	2004/829 2005/950
Section 175 (duty to publish information about sentencing)	4.4.2005	2005/950
Section 176 (interpretation of Chapter 1)	5.4.2004	2004/829
Sections 177, 179 and 180 (community orders) and Schedule 8 (breach, revocation or amendment of community order) and Schedule 9 (transfer of community orders to Scotland or Northern Ireland)(all partially and subsequently all for remaining purposes)	4.4.2005	2005/950
Section 178 (power to provide for court review of community orders)	7.3.2005	2005/373
Sections 182 to 187 and Schedule 10 (prison sentences of less than 12 months)(all partially)	26.1.2004	2003/3282
Sections 189 to 194 (suspended sentences); Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) and Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland).	4.4.2005	2005/950
Sections 195, 196 (partially), 197 to 203, 204 (partially), 205 to 212, 213 (partially), 214, 215, 216 (partially), 217 to 220 and Schedule 14, and sections 221 to 223 (further provisions about orders under Chapters 2 and 3).	26.1.2004 7.3.2005 4.4.2005	2003/3282 2005/373 2005/950
Sections 224 to 236 (dangerous offenders); Schedule 15 (specified offences for the purposes of Chapter 5 of Part 12); Schedule 16 (Scottish offences specified for the purposes of section 229(4)); Schedule 17 (Northern Ireland offences specified for the purposes of section 229(4)) and Schedule 18 (release of prisoners serving sentences of imprisonment or detention for public protection)	4.4.2005	2005/950
Sections 237 to 243 (release on licence: preliminary), 244 (partially) and 245 to 249, 250 to 251 (partially), 252 to 256, 257 (partially), 258 to 261, 263, 264 (partially), 265, 267 to 268 (release on licence) and Schedule 19 (parole board: supplementary provisions)	26.1.2004 7.3.2005 4.4.2005	2003/3282 2005/373 2005/950
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 278 and Schedule 23 (deferment of sentence)	4.4.2005	2005/950
Section 279 and Schedule 24 (drug treatment and testing requirement in action plan order or supervision order)(partially)	1.12.2004	2004/3033
Section 284 and Schedule 28 (increase in	29.1.2004	2004/81

penalties for drug-related offences)		
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 300 and Schedule 31 (default orders)(partially)	7.3.2005	2005/373
Section 301 (fine defaulters: driving disqualification)(partially)	7.3.2005	2005/373
Section 302 (execution of process between England and Wales and Scotland)	26.1.2004 4.4.2005	2003/3282 2005/950
Section 303 (sentencing: repeals)(partially)	4.4.2005	2005/950
Section 304 and Schedule 32 (amendments relating to sentencing)(partially)	26.1.2004 22.1.2004 4.4.2005	2003/3282 2004/81 2005/950
Section 305 (interpretation of Part 12)	26.1.2004 4.4.2005	2003/3282 2005/950
Section 306 (detention of suspected terrorists)	20.1.2004	2004/81
Section 307 (enforcement of regulations)	21.7.2005	2005/1817
Sections 308 to 312 (miscellaneous provisions about criminal proceedings)	4.4.2005	2005/950
Sections 313 and 314 (extension of investigations by Criminal Cases Review Commission in England and Wales and Northern Ireland)	1.9.2004	2004/1629
Section 315 (appeals following reference by the Criminal Cases Review Commission)	4.4.2005	2005/950
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 conviction on different charge on appeal from court-martial)	1.9.2004	2004/1629
Section 319 (appeals against sentence in England and Wales)	4.4.2005	2005/950
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	29.1.2004	2004/81

certificates: amendments of Part 5 of the Police Act 1997)(partially)	14.3.2006 1.4.2008	2006/751 2008/694
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 15.12.2004 1.1.2005 4.4.2005 15.7.2005 24.7.2006 8.1.2007 1.10.2007	2004/829 2004/1629 2004/3033 2004/3033 2005/950 2005/1817 2006/1835 2006/3422 2007/2874
Section 332 and Schedule 37 (repeals) (partially)	20.1.2004 29.1.2004 27.2.2004 5.4.2004 15.12.2004 4.4.2005 15.7.2005 14.3.2006	2004/81 2004/81 2004/81 2004/829 2004/3033 2005/950 2005/1817 2006/751
Section 333 and Schedule 38 (supplementary and consequential provision, etc.)(partially)	27.2.2004 4.4.2005	2004/81 2005/950

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STATUTORY INSTRUMENTS

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