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STATUTORY INSTRUMENTS

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**2011 No. 722**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Coroners and Justice Act 2009 (Commencement No. 4,  
Transitional and Saving Provisions) (Amendment) Order 2011**

*Made - - - - 10th March 2011*

*Coming into force - - 11th March 2011*

The Lord Chancellor, in exercise of the powers conferred by sections 182(4) and 176(3) of the Coroners and Justice Act 2009<sup>(1)</sup>, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) (Amendment) Order 2011, and it comes into force on the day after the day on which it is made.

**Amendment of transitional and saving provisions in respect of offences committed before 6th April 2010**

2.—(1) Article 7 of the Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) Order 2010<sup>(2)</sup> is amended as follows.

(2) In paragraph (2), after “6th April 2010” insert—

“; and for these purposes “guidelines” in section 172(2) shall be treated as including definitive sentencing guidelines within the meaning of section 136 of the 2009 Act.”

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(1) 2009 c. 25  
(2) S.I. 2010/816

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Lord Chancellor

10th March 2011

*J Djanogly*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note does not form part of the Order)*

The Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Savings Provisions) Order 2010 brought into force on 6th April 2010 the repeal of section 172 and amendment of section 174 of the Criminal Justice Act 2003 under which a Court was required to have regard to and explain its decisions by reference to sentencing guidelines issued by the Sentencing Guidelines Council. The repeal is subject to the transitional and saving provision in Article 7(2) and (3) of the Order which specifies that the repeal has no effect where a Court is sentencing an offender for an offence committed before 6th April 2010. This Order amends Article 7(2) so as to require a Court, when sentencing an offender for an offence committed before 6th April 2010, to have regard to and explain decisions by reference to sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as well as to guidelines under section 170 of the 2003 Act.