

2013 No. 1104 (C. 47)

CRIMINAL LAW, ENGLAND AND WALES

**The Coroners and Justice Act 2009 (Commencement No. 13)
Order 2013**

Made - - - -

7th May 2013

The Secretary of State makes the following Order in exercise of the power conferred by section 182(5) of the Coroners and Justice Act 2009^(a):

Citation

1. This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 13) Order 2013.

Appointed day

2. The following provisions of the Coroners and Justice Act 2009 come into force on 28th May 2013—

- (a) section 144 (treatment of convictions in other member States etc), so far as it relates to the provisions specified in sub-paragraph (b);
- (b) paragraphs 4 and 5 of Schedule 17 (treatment of convictions in other member States etc).

Signed by the authority of the Secretary of State

7th May 2013

Damian Green
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force paragraphs 4 and 5 of Schedule 17 to the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”) on 28th May 2013.

Schedule 17 to the 2009 Act implements Framework Decision 2008/675/JHA on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings. Article 3(1) of that Framework Decision requires that, in the course of criminal proceedings against a person, previous convictions in other European Union Member States are taken into account to the same extent as previous convictions in domestic courts. The provisions that this Order brings into force achieve this in relation to the allocation procedure contained in Schedule 3 to the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

Paragraph 4 of Schedule 17 to the 2009 Act amends section 19 of the Magistrates’ Courts Act 1980 (c. 43), that section having been substituted by paragraph 5 of Schedule 3 to the 2003 Act. The effect of this amendment is that when a magistrates’ court is considering whether an either way offence appears to it more suitable for summary trial or trial on indictment and the court is informed by the prosecution of the accused’s previous convictions, those convictions are to include previous convictions in another European Union Member State.

Paragraph 5 of Schedule 17 to the 2009 Act amends paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (c. 37), that paragraph having been amended by paragraph 20 of Schedule 3 to the 2003 Act. This amendment will apply when a case is sent to the Crown Court, but the indictment has subsequently been amended so as to remove the indictable only offence that had required the case to be sent. The effect of the amendment is that when the Crown Court is considering whether any remaining either way offences on the charge are more suitable for summary trial or trial on indictment and it is informed by the prosecution of the accused’s previous convictions, those convictions are to include previous convictions in another European Union Member State.

These provisions are being brought into force on 28th May 2013 to coincide with the full commencement of most of the provisions of Schedule 3 to the 2003 Act. Those provisions in the 2003 Act implement the new procedure for deciding on the allocation of either way offences to the magistrates’ court or to the Crown Court.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Coroners and Justice Act 2009 (c. 25) 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 12	24.09.2012	2012/2374
Section 35	01.02.2010	2010/145
Section 50	24.09.2012	2012/2374
Section 52	04.10.2010	2010/816
Section 53	01.06.2011	2011/182 (N.I.)
Section 54 to 55 (partially)	04.10.2010	2010/816
(fully in force)	01.06.2011	2011/182 (N.I.)
Section 56 (partially)	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)
Section 57	04.10.2010	2010/816
Section 58	01.06.2011	2011/182 (N.I.)
Sections 59 to 61	01.02.2010	2010/145
Sections 62 to 71	06.04.2010	2010/816
Section 72	01.02.2010	2010/145
Section 74 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 75 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 76 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 77 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 78 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 79 to 80 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 81 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 82 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 83 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 84	06.04.2010	2010/816
Section 85 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Sections 98 to 103	27.06.2011	2011/1452
Section 105	27.06.2011	2011/1452
Section 106 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
	08.10.2012	2012/2374
Section 107 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
	08.10.2012	2012/2374

Section 108 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
	08.10.2012	2012/2374
Section 109 to 110	14.12.2009	2009/3253
Section 111	27.06.2011	2011/1452
Section 112	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Section 114 to 115	01.02.2010	2010/145
Section 117	07.08.2012	2012/1810
	22.04.2013	2013/705
Section 118 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 119 to 136	06.04.2010	2010/816
Section 139	12.01.2010	2010/28
Sections 140 to 141	01.02.2010	2010/145
Section 142	31.01.2010	2010/145
Section 144 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
Section 145	02.08.2010	2010/1858
Section 146 to 147	06.04.2010	2010/816
Section 149 to 150	01.02.2010	2010/145
Section 153	01.02.2010	2010/145
Section 155 to 172	06.04.2010	2010/816
Section 173 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 174	01.02.2010	2010/145
Section 175 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 177 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
Section 178 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	01.06.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
	03.10.2011	2011/2148
	08.10.2012	2012/2374
	12.02.2013	2013/250
Section 180	01.02.2010	2010/145
Schedule 3 (partially)	12.02.2013	2013/250
Schedule 8	01.02.2010	2010/145
Schedule 12	01.02.2010	2010/145
Schedule 13	06.04.2010	2010/816
Schedule 14	27.06.2011	2011/1452

Schedule 15 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Schedule 17 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
Schedule 19	06.04.2010	2010/816
Schedule 20 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Schedule 21 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	27.06.2011	2011/1452
Schedule 22 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
Schedule 23 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	01.06.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
	03.10.2011	2011/2148
	08.10.2012	2012/2374

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