



Crime and Courts Act 2013

2013 CHAPTER 22

PART 3

MISCELLANEOUS AND GENERAL

General

58 Orders and regulations

- (1) Orders and regulations made by the Secretary of State or Lord Chancellor under this Act are to be made by statutory instrument.
- (2) An order made by the Secretary of State under section 2 is subject to super-affirmative procedure.
- (3) Schedule 23 (super-affirmative procedure) has effect.
- (4) The Secretary of State or Lord Chancellor may not make a statutory instrument containing any of the following (whether or not also containing other provisions) unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
 - (a) an order under paragraph 33 or 34 of Schedule 3;
 - (b) regulations under paragraph 5 of Schedule 5;
 - (c) an order under paragraph 27 or 28 of Schedule 5 which amends or repeals any provision of primary legislation;
 - (d) an order under section 13;
 - (e) an order under paragraph (p) of the definition of “permitted purpose” in section 16(1);
 - (f) an order under paragraph 87 of Schedule 13;
 - (g) an order under section 32(1);
 - (h) an order under paragraph 3(1)(c) or 31 of Schedule 17;
 - (i) regulations under section 47;

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- (j) an order under section 59 which amends or repeals any provision of primary legislation;
 - (k) an order under section 61 bringing anything in Part 4 of Schedule 16 into force or bringing section 44 into force so far as relating to anything in that Part of that Schedule, other than an order which makes the provision permitted by section 61(8) or (9);
 - (l) an order under paragraph 5 of Schedule 24.
- (5) A statutory instrument made by the Secretary of State or Lord Chancellor containing any of the following is subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) regulations under paragraph 1 of Schedule 4;
 - (b) an order under paragraph 27 or 28 of Schedule 5 which does not amend or repeal any provision of primary legislation;
 - (c) regulations under paragraph 5 of Schedule 6;
 - (d) regulations under section 14;
 - (e) an order under section 59 which does not amend or repeal any provision of primary legislation;
 - (f) an order under paragraph 1, 2, 3 or 4 of Schedule 24;
 - (g) an order under Schedule 25.
- (6) Subsection (5) does not apply to a statutory instrument that is subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament.
- (7) Any provision that may be made by the Secretary of State by order under this Act may be made by the Secretary of State by regulations (and where, in reliance on this subsection, provision is made by regulations instead of by order, this Act applies in relation to the regulations as it would otherwise apply in relation to the order).
- (8) Any provision that may be made by the Secretary of State by regulations under this Act may be made by the Secretary of State by order (and where, in reliance on this subsection, provision is made by order instead of by regulations, this Act applies in relation to the order as it would otherwise apply in relation to the regulations).
- (9) An order made by the Scottish Ministers under paragraph 27 or 28 of Schedule 5 is subject to the negative procedure unless it amends or repeals any provision of primary legislation, in which case it is subject to the affirmative procedure.
- (10) An order made by the Department of Justice in Northern Ireland under paragraph 27 or 28 of Schedule 5 is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (11) A statutory rule containing such an order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954) unless it amends or repeals any provision of primary legislation, in which case it may not be made unless a draft has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (12) An order or regulations made under this Act by the Secretary of State, the Lord Chancellor, the Scottish Ministers or the Department of Justice in Northern Ireland may—
- (a) make different provision for different purposes or areas,

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- (b) include supplementary, incidental or consequential provision, or
- (c) make transitional, transitory or saving provision.

(13) In this section—

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, or
- (d) Northern Ireland legislation;

“super-affirmative procedure” means the procedure provided for by Schedule 23.

59 Consequential amendments

- (1) The Secretary of State or Lord Chancellor may by order make such provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate in consequence of this Act.
- (2) The power to make an order under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment.
- (3) In this section “enactment” means an enactment whenever passed or made, and includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation.

60 Transitional, transitory or saving provision

The Secretary of State or Lord Chancellor may by order make such transitional, transitory or saving provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate—

- (a) in connection with the coming into force of any provision of this Act, or
- (b) where Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule are brought into force in relation to a specified area for a specified period, in connection with those provisions ceasing to be in force at the end of that period or at the end of that period as continued under section 61(9).

61 Short title, commencement and extent

- (1) This Act may be cited as the Crime and Courts Act 2013.
- (2) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes and, in the case of Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule, for different areas.
- (3) Sections 17, 20 to 30 and 32 and Schedules 9 to 11, 13 and 14 come into force on such day as the Lord Chancellor may by order appoint; and different days may be appointed for different purposes.
- (4) Subsection (3) does not apply to—
 - (a) Part 5 of Schedule 13, or section 20 so far as relating to that Part;

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- (b) section 26(2).
- (5) Section 19 comes into force on the day after the day on which this Act is passed.
- (6) Sections 26(2), 31 and 33 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (7) Sections 34 to 39 come into force at the end of the period of one year beginning with the day on which a body is established by Royal Charter with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers (as defined by section 41).
- (8) An order which brings the monitoring provisions into force only in relation to a specified area may provide that they are to be in force in relation to that area for a specified period; and in this subsection and subsection (9) “the monitoring provisions” means Part 4 of Schedule 16, and section 44 so far as relating to that Part of that Schedule.
- (9) An order containing the provision permitted by subsection (8) may be amended by a subsequent order under subsection (2) so as to continue the monitoring provisions in force in relation to the area concerned for a further period.
- (10) An order which includes provision for the commencement of section 49 or Schedule 19 may not be made unless the Secretary of State has consulted the Scottish Ministers.
- (11) The following come into force on the day on which this Act is passed—
- (a) Part 5 of Schedule 13, and section 20 so far as relating to that Part;
 - (b) section 43;
 - (c) section 48 (except subsection (6)(a));
 - (d) Part 2 of Schedule 18;
 - (e) sections 58 to 60 and this section;
 - (f) Schedules 24 and 25.
- (12) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (13) The following extend to England and Wales only—
- (a) section 24;
 - (b) section 32;
 - (c) section 33;
 - (d) sections 34 to 42;
 - (e) paragraph 30 of Schedule 16 and section 44 so far as relating to that paragraph, but only so far as relating to disclosure or use of information by a person appointed under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act;
 - (f) the amendments and repeals made by this Act in sections 4(5A) to (6A) and 6(2) of the Maintenance Orders (Facilities for Enforcement) Act 1920, in sections 8(4) and 33(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 and in section 14 of the Contempt of Court Act 1981;
 - (g) paragraphs 1 to 31 and 39 of Schedule 17, and section 45 so far as relating to those paragraphs.
- (14) The amendments made by this Act in the Industrial and Provident Societies Act 1965 extend to England and Wales, and Scotland, only.

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- (15) Except as provided by subsections (13) and (14), an amendment, repeal or revocation has the same extent as the provision amended, repealed or revoked (ignoring extent by virtue of an Order in Council).
- (16) Subsection (15) applies to section 43 only so far as the provisions amended extend to England and Wales or apply in relation to service offences.
- (17) Subsection (15) does not apply to amendments made by section 27(13) and (14) or to the amendments made by this Act in the Government Annuities Act 1929 or the Friendly Societies Act 1974 (which amendments, accordingly, extend to England and Wales, Scotland and Northern Ireland only).
- (18) This section is subject to Schedule 24 (the NCA: Northern Ireland).
- (19) This section is subject to Schedule 25 (proceeds of crime provisions: Northern Ireland).
- (20) Her Majesty may by Order in Council provide for any provision of section 51, 52, 53 or 54 to extend, with or without modifications, to—
 - (a) any of the Channel Islands, or
 - (b) the Isle of Man.
- (21) Her Majesty may by Order in Council provide for provisions of Part 8 of Schedule 16 (amendments of Armed Forces Act 2006) to extend, with or without modifications, to—
 - (a) any of the Channel Islands,
 - (b) the Isle of Man, or
 - (c) any of the British overseas territories.
- (22) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands and Isle of Man) is exercisable in relation to any amendment of that Act that is made by or under this Act.
- (23) The power conferred by section 52(2) of the Civil Jurisdiction and Judgments Act 1982 (power to extend to Channel Islands, Isle of Man and British overseas territories) is exercisable in relation to any amendment of that Act that is made by or under this Act.

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