

1978 No. 712 (C. 16)**CRIMINAL LAW, ENGLAND AND WALES****CRIMINAL LAW, NORTHERN IRELAND****The Criminal Law Act 1977 (Commencement No. 5)****Order 1978**

Made - - - - - *16th May 1978*

In exercise of the powers conferred on me by section 65(7) of the Criminal Law Act 1977(a), I hereby make the following Order:—

1.—(1) This Order may be cited as the Criminal Law Act 1977 (Commencement No. 5) Order 1978.

(2) In the case of any provision specified in the Schedule to this Order which (by virtue of sections 63(2) and 65(10) of the Criminal Law Act 1977) extends to Scotland nothing in this Order shall bring the provision into force in its application to Scotland.

2.—(1) Section 62 of the Criminal Law Act 1977 (right to have someone informed when arrested) shall come into force on 19th June 1978.

(2) The provisions of the said Act specified in column 1 of the Schedule to this Order (which relate to the matters specified in column 2 thereof) shall come into force on 17th July 1978.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
16th May 1978.

SCHEDULE

PROVISIONS OF THE CRIMINAL LAW ACT 1977
 COMING INTO FORCE ON 17TH JULY 1978

Provisions of the Act	Subject matter of provisions
Section 14.	Classification of offences.
Sections 15 to 17.	Allocation of offences to classes as regards mode of trial.
Section 18.	Limitation of time.
Sections 19 to 26.	Procedure for determining mode of trial of offences triable either way.
Sections 27 to 32 (but not section 31(1) which came into force on 8th September 1977).	Penalties.
Sections 34 to 37.	Young offenders.
Section 41.	Transfer of remand hearings.
Section 42.	Remand of accused already in custody.
Section 45.	Cases where magistrates' court may remit offender to another such court for sentence.
Section 46.	Committal for sentence for offences tried summarily.
Section 58.	Proceedings involving persons under 17: increase of certain pecuniary limits.
Section 61.	Power to alter sums specified in certain provisions.
Section 64.	Meaning of "indictable offence", "summary offence" and "offence triable either way" in England and Wales.
Schedule 1.	Offences made triable only summarily, and related amendments.
Schedule 2.	Offences triable either way instead of only on indictment.
Schedule 3.	Offences triable either way by virtue of section 16(1) or (2).
Schedule 4.	Offences for which the value involved is relevant to the mode of trial.
Schedule 5.	Alteration of penalties on summary conviction of certain offences triable either way.
Schedule 8.	Transfer of remand hearings.

SCHEDULE—(continued)

Provisions of the Act	Subject matter of provisions
So much of Schedule 12 as has not already come into force (a).	Minor and consequential amendments.
So much of Schedule 13 as is specified in the Appendix hereto.	Repeals.

APPENDIX

REPEALS TAKING EFFECT ON 17TH JULY 1978

Chapter	Short Title	Extent of repeal
1828 c. 69.	Night Poaching Act 1828.	Sections 4 and 11.
1831 c. 37.	Truck Act 1831.	Section 10.
1875 c. 86.	Conspiracy and Protection of Property Act 1875.	In sections 5 and 7, the words "or on indictment as herein-after mentioned". Section 9. Section 19(1) and (2).
1876 c. 77.	Cruelty to Animals Act 1876.	Section 15. In section 17, the words "or if" to "Justiciary".
1881 c. 60.	Newspaper Libel and Registration Act 1881.	Section 5.
1887 c. 46.	Truck Amendment Act 1887.	Section 13(1) and (3).
1892 c. 64.	Witnesses (Public Inquiries) Protection Act 1892.	In section 3, the words from "provided that" onwards. In section 6, paragraph (2).

(a) The provisions of Schedule 12 which have not already come into force are those relating to:—

The Night Poaching Act 1828.
The Accessories and Abettors Act 1861.
The Children Act 1948.
The Representation of the People Act 1949.
The Magistrates' Courts Act 1952 (paragraphs 1 to 6, 8, 9, 10 and 12).
The Sexual Offences Act 1956 (paragraph 2).
The Criminal Law Act 1967.
The Criminal Justice Act 1967 (paragraphs 1 and 6).
The Firearms Act 1968.
The Children and Young Persons Act 1969 (paragraphs 1 and 3 to 6).
The Powers of Criminal Courts Act 1973 (paragraph 3).
The Health and Safety at Work Act 1974.
The Rehabilitation of Offenders Act 1974.

Chapter	Short Title	Extent of repeal
1925 c. 86.	Criminal Justice Act 1925.	Section 28(3).
1945 c. 42.	Water Act 1945.	In section 71(1) of Schedule 3, the second paragraph (<i>b</i>) and the word "or" preceding it.
1947 c. 14.	Exchange Control Act 1947.	In Part II of Schedule 5, paragraph 2(3).
1948 c. 43.	Children Act 1948.	In section 29(5) the words from "and to a further fine" onwards.
1952 c. 44.	Customs and Excise Act 1952.	In section 283(2)(<i>a</i>) the words "or more".
1952 c. 55.	Magistrates' Courts Act 1952.	Sections 18 and 19. Sections 24 and 25. Section 32. In section 104, the proviso. Section 125. Section 127(2). Schedule 1. In paragraph 8 of Schedule 2, the words "and the trial by jury of certain summary offences".
1954 c. 40.	Protection of Animals (Amendment) Act 1954.	In section 3, the words from "subsection (1) of section one of the Protection of Animals Act 1911" to "1912" and the words from "respectively enactments" to "animals and".
1956 c. 69.	Sexual Offences Act 1956.	In Part II of Schedule 2, the words in the fourth column of the entries relating to sections 30 to 32 and in the second column of the entries relating to sections 33 to 36 the words from "but subject" onwards in each entry. In Schedule 3, the entry relating to the Magistrates' Courts Act 1952.
5 & 6 Eliz. 2 c. 1.	Police, Fire and Probation Officers Remuneration Act 1956.	The whole Act, so far as unrepealed.
1957 c. 29.	Magistrates' Court Act 1957.	In section 1(1), paragraph (<i>a</i>).
1958 c. 45.	Prevention of Fraud (Investments) Act 1958.	Section 13(2).

Chapter	Short Title	Extent of repeal
1959 c. 66.	Obscene Publications Act 1959.	In section 2, subsection (2) and, in subsection (3), the words "on indictment".
1960 c. 57.	Films Act 1960.	Section 45(3).
1961 c. 39.	Criminal Justice Act 1961.	Section 8(1). Section 11(2).
1962 c. 15.	Criminal Justice Administration Act 1962.	Sections 12(3) and 13. Schedule 3. In Part II of Schedule 4, the entry relating to the Magistrates' Courts Act 1952.
1962 c. 52.	Penalties for Drunkenness Act 1962.	In section 1(2)(a) the words from "the first paragraph of section twelve" to "1894". In section 1(2)(b) the words "section two of the Licensing Act 1902".
1963 c. 52.	Public Order Act 1963.	Section 1(1).
1966 c. 27.	Building Control Act 1966.	Section 1(8).
1966 c. 34.	Industrial Development Act 1966.	Section 8(10).
1966 c. 36.	Veterinary Surgeons Act 1966.	Section 19(2). Section 20(6).
1967 c. 54.	Finance Act 1967.	In paragraph 4 of Schedule 7, the words from "and the clerk" onwards.
1967 c. 58.	Criminal Law Act 1967.	Section 4(5). Section 5(4).
1967 c. 60.	Sexual Offences Act 1967.	Section 4(2). Section 5(2). Section 7(2)(b). Section 9.
1967 c. 76.	Road Traffic Regulation Act 1967.	Section 91.
1967 c. 80.	Criminal Justice Act 1967.	Section 27. Section 35. Section 43. Section 92(8). In Part II of Schedule 3, the entry relating to the Public Health Act 1875.
1968 c. 27.	Firearms Act 1968.	In section 57(4), the definition of "indictable offence".

Chapter	Short Title	Extent of repeal
1968 c. 60.	Theft Act 1968.	Section 29(2). In Part III of Schedule 2, the entry relating to the Magistrates' Courts Act 1952.
1968 c. 73.	Transport Act 1968.	In Schedule 8, paragraph 8.
1969 c. 19.	Decimal Currency Act 1969.	Paragraph 21 of Schedule 2.
1969 c. 51.	Development of Tourism Act 1969.	In paragraph 3 of Schedule 2, sub-paragraph (2) and, in sub-paragraph (4), the words "2 and", "the Director of Public Prosecutions or" and "as the case may be".
1969 c. 54.	Children and Young Persons Act 1969.	In section 3, in subsection (1)(b) and in subsection (6), the words "within the meaning of the Magistrates' Courts Act 1952". In section 6, in subsection (1), the words "within the meaning of the Magistrates' Courts Act 1952" and subsection (2). In section 12, subsection (2)(a) and in subsection (3), paragraphs (b) to (d) and, in paragraph (e), the words from "and if" onwards. In section 15(1), the words "in either case". Section 34(5). In Schedule 5, paragraph 56.
1969 c. 56.	Auctions (Bidding Agreements) Act 1969.	In section 1, subsections (2) and (4).
1970 c. 31.	Administration of Justice Act 1970.	In section 51(1), the words from "In sections 2(4)" to "to the said section 6".
1971 c. 23.	Courts Act 1971.	In Schedule 8, paragraphs 15(1) 16 and 20, in paragraph 34(1) the words "19(4), 25(5)."
1971 c. 38.	Misuse of Drugs Act 1971.	Section 26(4).
1972 c. 60.	Gas Act 1972.	Section 43(2)(b) and the word "or" preceding it.

Chapter	Short Title	Extent of repeal
1972 c. 63.	Industry Act 1972.	In paragraph 4 of Schedule 1, sub-paragraph (2) and, in sub-paragraph (5), the words "the Director of Public Prosecutions" where first occurring.
1972 c. 71.	Criminal Justice Act 1972.	Section 47.
1973 c. 14.	Costs in Criminal Cases Act 1973.	Section 20(3).
1973 c. 43.	Hallmarking Act 1973.	In paragraph 2 of Schedule 3, sub-paragraph (2) and in sub-paragraph (5), the words "(2) and".
1973 c. 62.	Powers of Criminal Courts Act 1973.	In section 30, in subsection (1), the words "limiting the amount of the fine that may be imposed or" and subsection (2).
1974 c. 40.	Control of Pollution Act 1974.	In section 87(3), the words from "section 3(2)" to "18(2) of this Act or under".
1974 c. 44.	Housing Act 1974.	In Schedule 13, paragraph 2.
1974 c. 50.	Road Traffic Act 1974.	In Part IV of Schedule 5, paragraph 4(1) to (3) and (4)(a).
1974 c. 52.	Trade Union and Labour Relations Act 1974.	Section 29(7).
1976 c. 42.	Protection of Birds (Amendment) Act 1976.	The whole Act.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 19th June 1978 section 62 of the Criminal Law Act 1977 (which gives an arrested person a right to have someone informed of his arrest) and also brings into force on 17th July 1978 the provisions of that Act set out in the Schedule to this Order. This Order does not affect Scotland.

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