
STATUTORY INSTRUMENTS

2009 No. 3253 (C. 144)

CRIMINAL LAW, ENGLAND AND WALES

**The Coroners and Justice Act 2009 (Commencement
No. 1 and Transitional Provisions) Order 2009**

Made - - - - 2nd December 2009

The Secretary of State makes the following Order in exercise of the powers conferred by sections 176(3) and 182(5) of the Coroners and Justice Act 2009⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 1 and Transitional Provisions) Order 2009.

(2) In this Order—

“the 2009 Act” means the Coroners and Justice Act 2009;

“the 1998 Act” means the Crime and Disorder Act 1998⁽²⁾;

“the 1984 Act” means the Police and Criminal Evidence Act 1984⁽³⁾;

“live link bail” has the same meaning as in section 46ZA(1) of the 1984 Act; and

“a live link direction” is a direction given by a court under Part 3A of the 1998 Act (live links for accused’s attendance at certain preliminary and sentencing hearings).

Commencement

2. The following provisions of the 2009 Act shall come into force on 14th December 2009—

(a) in section 106 (directions to attend through live link)—

(i) subsections (2) and (5);

(ii) subsection (4); and

(iii) subsection (1) so far as it relates to those subsections;

(b) section 109 (use of live link in certain enforcement hearings); and

(c) section 110 (direction of registrar for appeal hearing by live link).

⁽¹⁾ 2009 c. 25.

⁽²⁾ 1998 c. 37.

⁽³⁾ 1984 c. 60.

Commencement for certain areas

3.—(1) The following provisions of the 2009 Act shall come into force on 14th December 2009 in the relevant local justice areas⁽⁴⁾—

- (a) in section 106, subsection (3), and subsection (1) so far as it relates to that subsection;
- (b) section 107 (answering to live link bail); and
- (c) section 108 (searches of persons answering to live link bail).

(2) The relevant local justice areas are—

- (a) in London: Barking and Dagenham; Barnet; Bexley; Brent; Bromley; Camden and Islington; City of London; City of Westminster; Croydon; Ealing; Enfield; Greenwich and Lewisham; Hackney and Tower Hamlets; Hammersmith and Fulham and Kensington and Chelsea; Haringey; Harrow Gore; Havering; Hillingdon; Hounslow; Kingston-upon-Thames; Lambeth and Southwark; Merton; Newham; Redbridge; Richmond-upon-Thames; Sutton; Waltham Forest; and Wandsworth; and
- (b) in Kent: Central Kent; East Kent; and North Kent.

Transitional provisions

4.—(1) The amendments which come into force by virtue of article 2(a)(i) and (iii) of this Order to section 57B (use of live link at preliminary hearings where accused is in custody) and section 57E (use of live link in sentencing hearings) of the 1998 Act shall have no effect in relation to a live link direction given before the relevant date.

(2) The amendments which come into force by virtue of article 3(1)(a) of this Order to section 57C of the 1998 Act (use of live link at preliminary hearings where accused is at police station) shall have no effect in relation to a relevant hearing.

(3) A relevant hearing is a preliminary hearing—

- (a) in relation to which the court has power to give a live link direction under section 57C(2) of the 1998 Act because subsection (4) of that section applies to the accused; and
- (b) that accused is at a police station on or after the relevant date to answer to live link bail granted before the relevant date.

(4) The amendments which come into force by virtue of article 3(1)(b) of this Order to—

- (a) section 46ZA of the 1984 Act (answering to live link bail); and
- (b) section 46A of that Act (power of arrest for failure to answer to police bail),

shall have no effect in relation to an accused person who attends a police station on or after the relevant date to answer to live link bail granted before the relevant date.

(5) In this article, the relevant date is 14th December 2009.

⁽⁴⁾ The local justice areas into which England and Wales is divided are specified in the Local Justice Areas Order 2005 (S.I. 2005/554).

Signed by the authority of the Secretary of State

2nd December 2009

Claire M Ward
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 14th December 2009 the provisions of the Coroners and Justice Act 2009 set out in article 2. Those provisions amend sections 57B, 57D and 57E of the Crime and Disorder Act 1998, which relate to “live links”. A live link is a video-link between a court and either a police station or a place where a person is being held in custody. The amendments enable directions in relation to live links to be made by a single justice as well as a full bench, remove the need for the accused to consent to the making of a direction, and ensure that a direction may not be made unless the court is satisfied that it is not contrary to the interests of justice to do so. The amendments to section 57B and 57E do not apply to a live link direction given before 14th December 2009 (article 4(1)).

Article 2 also inserts a new section 57F into the 1998 Act to allow certain enforcement hearings to be heard by live link, and amends section 31A of the Criminal Appeal Act 1968 to allow the Registrar of Criminal Appeals to give a live link direction.

The Order also brings into force on 14th December 2009 the provisions of the 2009 Act set out in article 3, but only in relation to the areas listed. Those provisions amend section 57C of the 1998 Act – relating to live links from police stations in preliminary hearings – and make consequential amendments to sections 46ZA and 46A of the Police and Criminal Evidence Act 1984 to reflect the removal of the need for the accused to consent to a live link direction. So far as these changes otherwise apply to a person at a police station to answer to live link bail, they do not apply if that bail was granted before 14th December 2009 (article 4(2) to (4)).

By commencing section 108 of the 2009 Act, the effect of article 3 is to insert new sections 54B and 54C into the 1984 Act to allow searches to be conducted of persons answering to live link bail at a police station. These too apply just to the listed areas.