
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Coroners and Justice Act 2009 (c. 25) (“the 2009 Act”). Section 142 and associated repeals come into force immediately before 1st February 2010. The provisions of the 2009 Act set out in the Schedule come into force on 1st February 2010.

Article 2 brings section 142 of the 2009 Act (and associated repeals) into force and introduces the Schedule to this Order. Section 142 amends provision of the Domestic Violence, Crime and Victims Act 2004 (c. 28) (“the 2004 Act”) relating to the appointment and status of the Commissioner for Victims and Witnesses. Separate provision has been made to bring into force on 1st February 2010 the provisions of the 2004 Act relating to the Commissioner as amended in consequence of this Order.

Section 35 of the 2009 Act introduces Schedule 8 and relates to the appointment of the Chief Coroner and Deputy Chief Coroners.

In relation to the criminal law, sections 59 to 61 and Schedule 12 relate to encouraging or assisting suicide in England and Wales and in Northern Ireland. Section 72 extends the law of conspiracy in both England and Wales and Northern Ireland to cover conspiracy to commit an offence in another part of the United Kingdom.

In the area of criminal procedure, section 112 concerns the admissibility of evidence of previous complaints. Sections 114 and 115 relate to bail decisions in respect of defendants charged with murder. Sections 140 and 141 extend the powers of the appeal courts in England and Wales and in Northern Ireland in respect of appeals against confiscation orders.

Section 118(2) relates to Schedule 15, which makes provision about the appointment of members to the Sentencing Council for England and Wales.

Sections 149, 150 and 153 amend the Access to Justice Act 1999 (c. 22) (“the 1999 Act”) in relation to legal aid. Section 149 inserts provision to enable Community Legal Service pilot schemes. Section 150 relates to the exclusion from the Community Legal Service of services in connection with the carrying on of a business. Section 153 relates to the making of consequential, incidental and transitional provision in orders and regulations made under section 25 of the 1999 Act.

Sections 173 to 175 amend the Data Protection Act 1998 (c. 29). Section 173, which comes into force by virtue of this Order so far as it inserts section 41C of that Act, relates to the duty on the Information Commissioner to prepare and issue a code of practice in respect of new functions in connection with assessment notices. Section 174 inserts provision relating to the preparation of a data-sharing code of practice. Section 175 gives effect to Schedule 20 to the 2009 Act. This Order brings into force paragraphs 1 to 3 of that schedule which relate to data controllers’ registration.

Section 180 provides that where criminal justice provisions are applied for the purposes of service law they are to apply as amended by the 2009 Act.

The transitional provision in Article 3 of this Order relates to applications to the Legal Services Commission to fund services as part of the Community Legal Service in connection with the carrying on of a business.