
STATUTORY INSTRUMENTS

2012 No. 1320

**The Criminal Justice Act 2003 (Commencement
No. 28 and Saving Provisions) Order 2012**

Saving provisions relating to article 4

5.—(1) The amendments coming into force by virtue of article 4 are to have no effect in relation to an offence (“the relevant offence”) if condition 1 or 2 is satisfied in respect of that offence.

(2) Condition 1 is satisfied if a person first appeared in respect of the relevant offence before 18th June 2012.

(3) Condition 2 is satisfied if—

- (a) a person first appears in respect of the relevant offence on or after 18th June 2012,
- (b) the relevant offence is related to an offence which is triable only on indictment (“the indictable-only offence”), and
- (c) the person who is charged with the indictable-only offence first appeared in respect of that offence before 18th June 2012.

(4) For the purposes of this article—

- (a) a person (“A”) first appears in respect of an offence where A appears or is brought before a magistrates’ court for the first time in the proceedings in respect of the offence with which A is charged;
- (b) a relevant offence is related to an indictable-only offence if, were a magistrates’ court to apply section 51 of the 1998 Act as it was in force immediately before 18th June 2012, that court would be required to send the person charged with the relevant offence to the Crown Court for trial for that offence, or could do so.