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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

Article 2 brings into force most of the paragraphs in Schedule 3 to the 2003 Act on 5th November 2012 in relation to certain local justice areas (listed in the Schedule to the Order) and to the Crown Court for certain purposes. These paragraphs have already been brought into force on 18th June 2012 in relation to certain other local justice areas and the Crown Court for certain purposes by the Criminal Justice Act 2003 (Commencement No. 28 and Saving Provisions) Order 2012 (S.I. 2012/1320). These paragraphs in particular—

- amend the provisions by which a magistrates’ court decides on the mode of trial for adults charged with an offence which is triable either on indictment or summarily (“either way offences”) (paragraphs 5 to 8);
- modify the provisions by which children and young persons are ordinarily tried summarily for an offence which is triable on indictment, subject to certain exceptions (paragraph 9);
- introduce provisions by which children and young persons may indicate intention as to plea in certain cases (paragraph 10);
- substitute for provisions in the Crime and Disorder Act 1998 (c. 37) which deal with the sending to the Crown Court of adults charged with offences triable only on indictment (“indictable-only offences”) and certain related offences, new provisions which permit sending to the Crown Court in a wider range of circumstances, including either-way offences (which generally, at present, reach the Crown Court by way of committal proceedings), certain offences involving children and young persons and certain cases involving serious or complex fraud or which involve children as witnesses (paragraph 18);
- make amendments which concern magistrates’ courts’ powers to commit for sentence on summary trial of either-way offences (paragraphs 21 to 28);
- make minor and consequential amendments, including repealing the provisions in the Magistrates’ Courts Act 1980 (c. 43) relating to committal proceedings for either-way offences (paragraph 51).

Article 3 contains saving provisions concerning the provisions brought into force by article 2. The saving provisions provide rules for circumstances in which a person appears or is brought before a magistrates’ court when he or she had a first appearance concerning that offence before commencement or where someone first appeared on a related indictable-only offence before commencement.

Article 4 ensures that the paragraphs of Schedule 3 to the 2003 Act referred to in article 2 will continue to have effect notwithstanding a change in the structure of certain local justice areas on 1st January 2013. The Local Justice Areas Order 2012 (S.I. 2012/1277) combines Halton local justice area and Warrington local justice area to form North Cheshire local justice area, with effect from 1st January 2013. Similarly, the Local Justice Areas (No. 2) Order 2012 (S.I. 2012/1555) combines the local justice areas of Bath and Wansdyke; North Somerset; South Somerset and Mendip; and Taunton Deane, West Somerset and Sedgemoor to become Somerset. The Criminal Justice Act 2003 (Commencement No. 28 and Saving Provisions) Order 2012 has already commenced Schedule 3 to the 2003 Act in Bath and Wansdyke and North Somerset; this Commencement Order commences it in South Somerset and Mendip and Taunton Deane, West Somerset and Sedgemoor.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.