

SCHEDULE 2

Articles 2 and 4

TRANSITIONAL AND SAVING PROVISIONS

Interpretation

1. In this Schedule—

“the 1991 Act” means the Criminal Justice Act 1991;

“the 1997 Act” means the Crime (Sentences) Act 1997;

Pre commencement offences

Savings relating to Parts 2, 5 and 9 of the 2003 Act

2. The coming into force of the provisions referred to in paragraphs 2, 43(a) and 44(2) of Schedule 1 to this Order is of no effect in relation to alleged offences into which a criminal investigation within the meaning of section 1(4) of the Criminal Procedure and Investigation Act 1996 ^{M1} has begun before 4th April 2005.

Marginal Citations

M1 1996 c. 25.

3.—(1) In the case of any criminal proceedings falling under paragraph (2)—

- (a) the coming into force of sections 18, 57 to 61, 67 to 72 and 74 of the 2003 Act confers no additional prosecution right of appeal;
- (b) the coming into force of sections 309 and 310 of the 2003 Act confers no additional power to order a preparatory hearing on a judge of the Crown Court; and
- (c) the coming into force of section 311 of the 2003 Act does not alter the jurisdiction in which reporting restrictions may apply in those proceedings.

(2) The criminal proceedings to which this paragraph applies are those in which one of the following occurred before 4th April 2005—

- (a) the defendant was committed for trial;
- (b) the proceedings were transferred to the Crown Court under section 53 of the Criminal Justice Act 1991 ^{M2} or section 4 of the Criminal Justice Act 1987 ^{M3};
- (c) an order was made by a magistrates court that the accused be sent for trial for an indictable only offence under section 51 of the Crime and Disorder Act 1998 ^{M4}; or
- (d) a bill of indictment was preferred by the direction or with the consent of a judge of the High Court.

Marginal Citations

M2 1991 c. 53.

M3 1987 c. 38.

M4 1998 c. 37.

Transitional Provisions relating to Chapter 1 of Part 12

^{F1}4.

F1 Sch. 2 para. 4 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Saving Provisions relating to Chapters 1 to 5 of Part 12

5.—(1) The coming into force of the provisions mentioned in paragraph (2) is of no effect in relation to an offence committed before 4th April 2005.

[^{F2}This is subject to section 1 of the Sentencing (Pre-consolidation) Amendments Act 2020 (and see also the exceptions in Schedule 1 to that Act).]

(2) The provisions to which this paragraph applies are—

^{F3}(a)

(b) in Schedule 32 (amendments relating to sentencing), paragraphs 2, 5 and 6(a), 8 and 9, 12(4) and (5), 13 to 15, 18(1) and (3), 20 to 23, 26, 31, 32, 35, 36, 38, 47, 54, 59 to 61, 64, 67, 68(1), (3) and (4), 69 to 81, 88, 89, 91, 92, 94 to 97(2) and (3), 98, 99, 100(2) and (3), 101, 102(1) and (2)(a), 103, 104(2) and (3), 105, 106(2), 107, 110, 122, 123, and 125 to 129, 130 to 132, 134, 135, 138, 141, and 144;

(c) in Part 7 of Schedule 37 (repeals)—

- (i) the entry relating to section 18 of the Crime and Disorder Act 1998 ^{M5};
- (ii) the entry relating to section 104(1) of the Criminal Justice Act 1967 ^{M6};
- (iii) the entry relation to section 11(4) of the Criminal Appeal Act 1968 ^{M7};
- (iv) the entry relating to the Social Work (Scotland) Act 1968 ^{M8};
- (v) the entry relating to the Bail Act 1976 ^{M9};
- (vi) the entry relating to Schedule 6A of the Magistrates' Courts Act 1980 ^{M10};
- (vii) the entry relating to the Road Traffic Offenders Act 1988 ^{M11};
- (viii) the entry relating to section 7(9) of the Football Spectators Act 1989 ^{M12};
- (ix) the entry relating to the Children Act 1989 ^{M13};
- (x) the entry relating to the Criminal Justice and Public Order Act 1994 ^{M14};
- (xi) the entry relating to the Criminal Procedure (Scotland) Act 1995 ^{M15};
- (xii) the entry relating to sections 34 to 36A, 36B, 37(9), 40A(4) and (9), 41 to 59, 62, 79 and 80, ^{F4}... 109, 118 to 125, 151 to 153, 158 to 161(2) to (4) and 163 of and Schedules 2, 4, 7 and 8 to the Sentencing Act;
- (xiii) the entry relating to section 47 to 51, 53 to 55, 63 and 78(1) of and Schedule 7 to the Criminal Justice and Court Services Act 2000 ^{M16}.

(3) Where an offence is found to have been committed over a period of two or more days, or at some time during a period of two or more days, it shall be taken for the purposes of paragraph (1) to have been committed on the last of those days.

F2 Words in Sch. 2 para. 5(1) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 338](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

F3 Sch. 2 para. 5(2)(a) revoked (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F4 Word in Sch. 2 para. 5(2)(c)(xii) omitted (3.12.2012) by virtue of The Criminal Justice Act 2003 (Commencement No. 30 and Consequential Amendment) Order 2012 (S.I. 2012/2905), **art. 4(1)(a)(2)**

Modifications etc. (not altering text)

C1 Sch. 2 para. 5(2) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), s. 5(2)(3), **Sch. 2 para. 136**; S.I. 2012/1236, reg. 2

Marginal Citations

- M5** 1998 c. 37.
- M6** 1967 c. 80.
- M7** 1968 c. 19.
- M8** 1968 c. 49.
- M9** 1976 c. 63.
- M10** 1980 c. 43.
- M11** 1988 c. 53.
- M12** 1989 c. 37.
- M13** 1989 c. 41.
- M14** 1994 c. 33.
- M15** 1995 c. 46.
- M16** 2000 c. 43

6. The coming into force of—

(a) paragraphs 37, 38, 46, 93, 117,120 and 124 of Schedule 32 to the 2003 Act; and

(b) Part 7 of Schedule 37 to the 2003 Act in so far as it relates to—

(i) section 37(1B) of the Mental Health Act 1983;

(ii) sections 112 to 115, and 127 of the Sentencing Act,

is of no effect in a case in which a court is dealing with a person whose sentence falls to be imposed under section 109 of the Sentencing Act.

Community sentences

Transitional provisions

F57.

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F58.

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F59.

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005, SCHEDULE 2. (See end of Document for details)

^{F5}**10.**

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F5}**11.**

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Savings

^{F5}**12.**

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

^{F5}**13.**

F5 Sch. 2 paras. 7-13 revoked (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Saving and Transitional Provisions relating to Chapter 6 of Part 12

Saving for prisoners serving sentences of imprisonment of less than 12 months

^{F6}**14.**

F6 Sch. 2 para. 14 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 14 para. 17**; S.I. 2012/2906, art. 2(l)

Power of court to recommend licence conditions for certain prisoners

^{F7}**15.**

F7 Sch. 2 paras. 15-18 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

The Parole Board

^{F7}**16.**

F7 Sch. 2 paras. 15-18 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Remand Time

^{F7}**17.**

F7 Sch. 2 paras. 15-18 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

F718.

F7 Sch. 2 paras. 15-18 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Savings for prisoners convicted of offences committed before 4th April 2005

19. The coming into force of—

F8(a)

(b) paragraph 8(2)(b) of Schedule 32 (Criminal Appeal Act 1968 ^{M17});

F9(c)

F9(d)

is of no effect in relation to a prisoner serving a sentence of imprisonment imposed in respect of an offence committed before 4th April 2005.

F8 Sch. 2 para. 19(a) revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

F9 Sch. 2 para. 19(c)(d) revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Marginal Citations

M17 1968 c. 18.

F1020.

F10 Sch. 2 para. 20 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

21. The coming into force of the repeal of section 38 of the Crime and Disorder Act 1998 is of no effect in relation to a child or young person whose post-release supervision relates to a sentence in respect of an offence committed before 4th April 2005.

F1122.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Transitional arrangements for recall after release

F1123.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005, SCHEDULE 2. (See end of Document for details)

Fine defaulters and contemnors

^{F11}24.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Consecutive or concurrent terms

^{F11}25.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Repatriation of Prisoners Act 1984

^{F11}26.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Crime (Sentences) Act 1997

^{F11}27.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

^{F11}28.

F11 Sch. 2 paras. 22-28 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Powers of Criminal Courts (Sentencing) Act 2000

^{F12}29.

F12 Sch. 2 para. 29 omitted (3.12.2012) by virtue of [The Criminal Justice Act 2003 \(Commencement No. 30 and Consequential Amendment\) Order 2012 \(S.I. 2012/2905\)](#), **art. 4(1)(b)(2)**

^{F13}30.

F13 Sch. 2 paras. 30-34 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

The Criminal Justice and Court Services Act 2000

^{F13}31.

F13 Sch. 2 paras. 30-34 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

The International Criminal Court Act 2001

^{F13}**32.**

F13 Sch. 2 paras. 30-34 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Persons liable to removal from the United Kingdom

^{F13}**33.**

F13 Sch. 2 paras. 30-34 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Saving for service prisoners

^{F13}**34.**

F13 Sch. 2 paras. 30-34 revoked (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 121(3)(b)**, 151(1); S.I. 2012/2906, art. 2(d)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005, SCHEDULE 2.