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STATUTORY INSTRUMENTS

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**2009 No. 2606 (C.113)**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, NORTHERN IRELAND  
CRIMINAL PROCEDURE,  
ENGLAND AND WALES  
CRIMINAL PROCEDURE, NORTHERN IRELAND  
DATA PROTECTION  
DEFENCE**

The Criminal Justice and Immigration Act  
2008 (Commencement No. 11) Order 2009

*Made - - - - 24th September 2009*

The Lord Chancellor and Secretary of State makes this Order in exercise of the powers conferred by the Criminal Justice and Immigration Act 2008(1) on the Lord Chancellor by section 153(4), and the Secretary of State by section 153(7) of that Act.

**Citation and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Immigration Act 2008 (Commencement No. 11) Order 2009.

(2) In this Order “the 2008 Act” means the Criminal Justice and Immigration Act 2008.

**Provisions coming into force on 1<sup>st</sup> October 2009**

2. The date appointed for the coming into force of the following provisions of the 2008 Act is 1<sup>st</sup> October 2009—

- (a) section 80 (Requests to other member States: England and Wales);
- (b) section 81 (Procedure on issue of certificate: England and Wales);
- (c) section 82 (Requests to other member States: Northern Ireland);

- (d) section 83 (Procedure on issue of certificate: Northern Ireland);
- (e) section 84 (Requests from other member States: England and Wales);
- (f) section 85 (Procedure on receipt of certificate by designated officer);
- (g) section 86 (Modification of Magistrates' Courts Act 1980);
- (h) section 87 (Requests from other member States: Northern Ireland);
- (i) section 88 (Procedure on receipt of certificate by clerk of petty sessions);
- (j) section 89 (Modification of Magistrates' Courts (Northern Ireland) Order 1981);
- (k) section 90 (Transfer of certificates to central authority for Scotland);
- (l) section 91 (Recognition of financial penalties: general);
- (m) section 92 (Interpretation of sections 80 to 91 etc.);
- (n) section 144(1) (Power to require data controllers to pay monetary penalty) to the extent that it inserts sections 55A(4), (5), (7) and (9), 55B(2), (3)(b) and (6), 55C and 55E into the Data Protection Act 1998(2);
- (o) section 144(2) (Power to require data controllers to pay monetary penalty);
- (p) section 148(2) (Consequential etc. amendments and transitional and saving provision) in so far as relates to the entry in paragraph (s);
- (q) Schedule 18 (Penalties suitable for enforcement in England and Wales or Northern Ireland);
- (r) Schedule 19 (Grounds for refusal to enforce financial penalties); and
- (s) paragraph 29 of Schedule 27 (Mutual recognition of financial penalties).

### **Provisions coming into force on 31<sup>st</sup> October 2009**

**3.** The date appointed for the coming into force of the following provisions of the 2008 Act is 31<sup>st</sup> October 2009—

- (a) section 21 (Credit for period of remand on bail: terms of imprisonment and detention) to the extent not already in force;
- (b) section 26 (Release of certain long-term prisoners under Criminal Justice Act 1991) to the extent not already in force;
- (c) section 29 (Release of prisoners after recall) to the extent not already in force;
- (d) section 145 (Amendments to armed forces legislation) to the extent that it relates to the entry in paragraph (h);
- (e) section 148(1) (Consequential etc. amendments and transitional and saving provision) to the extent that it relates to the entries in paragraph (i);
- (f) section 149 (Repeals and revocations) in so far as it relates to the entry in paragraph (j);
- (g) section 151 (Effect of amendments to criminal justice provisions applied for purposes of service law);
- (h) paragraph 34 of Schedule 25 (Transitional provisions: compensation for miscarriage of justice);
- (i) paragraphs 54, 55, 56 to the extent not already in force, and paragraph 82 of Schedule 26 (Minor and consequential amendments); and
- (j) in Part 2 of Schedule 28 (Repeals and revocations), the entries related to—

- (i) section 260(3A) of the Criminal Justice Act 2003<sup>(3)</sup>; and
- (ii) sections 221 and 223(3) and paragraphs 218 and 225 of Schedule 16 of the Armed Forces Act 2006<sup>(4)</sup>.

Signed by the authority of the Lord Chancellor and Secretary of State

24th September 2009

*Michael Wills*  
Minister of State  
Ministry of Justice

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## EXPLANATORY NOTE

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

This Order brings into force the provisions of the Criminal Justice and Immigration Act 2008 (c.4) set out in articles 2 and 3 on 1<sup>st</sup> October 2009 and 31<sup>st</sup> October 2009 respectively.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	1 April 2009	2009/860
Section 10	14 July 2008	2008/1586
Section 11 (partially)	14 July 2008	2008/1586
Section 12	14 July 2008	2008/1586
Section 13	14 July 2008	2008/1586
Section 14	14 July 2008	2008/1586
Section 15	14 July 2008	2008/1586
Section 16	14 July 2008	2008/1586
Section 17	14 July 2008	2008/1586
Section 18	14 July 2008	2008/1586
Section 20	14 July 2008	2008/1586
Section 21 (partially)	3 November 2008	2008/2712
Section 22	3 November 2008	2008/2712
Section 23	3 November 2008	2008/2712
Section 24	14 July 2008	2008/1586
Section 25	14 July 2008	2008/1586
Section 26 (partially)	9 June 2008	2008/1466
Section 27	14 July 2008	2008/1586
Section 28	14 July 2008	2008/1586
Section 29 (partially)	14 July 2008	2008/1586
Section 30	14 July 2008	2008/1586
Section 31	14 July 2008	2008/1586
Section 32	14 July 2008	2008/1586
Section 33 (partially)	3 November 2008	2008/2712

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 34 (partially)	3 November 2008	2008/2712
Section 35	27 April 2009	2009/860
Section 36	27 April 2009	2009/860
Section 37	27 April 2009	2009/860
Section 38	14 July 2008	2008/1586
Section 40	14 July 2008	2008/1586
Section 41	3 November 2008	2008/2712
Section 42	14 July 2008	2008/1586
Section 43	14 July 2008	2008/1586
Section 44	14 July 2008	2008/1586
Section 45	14 July 2008	2008/1586
Section 46 (partially)	14 July 2008	2008/1586
Section 47	14 July 2008	2008/1586
Section 48 (partially)	1 February 2009	2009/140
Section 49	19 December 2008	2008/3260
Section 50	19 December 2008	2008/3260
Section 51	3 November 2008	2008/2712
Section 52	14 July 2008	2008/1586
Section 54	14 July 2008	2008/1586
Section 55	14 July 2008	2008/1586
Section 56	14 July 2008	2008/1586
Section 57	14 July 2008	2008/1586
Section 58	14 July 2008	2008/1586
Section 59	14 July 2008	2008/1586
Section 60	3 November 2008	2008/2712
Section 61	1 December 2008	2008/2993
Section 63	26 January 2009	2008/2993
Section 64	26 January 2009	2008/2993
Section 65	26 January 2009	2008/2993
Section 66	26 January 2009	2008/2993
Section 67	26 January 2009	2008/2993
Section 68	26 January 2009	2008/2993
Section 71	26 January 2009	2008/2993
Section 72	14 July 2008	2008/1586

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 73	14 July 2008	2008/1586
Section 76	14 July 2008	2008/1586
Section 93	14 July 2008	2008/1586
Section 94	14 July 2008	2008/1586
Section 95	14 July 2008	2008/1586
Section 96	14 July 2008	2008/1586
Section 97	14 July 2008	2008/1586
Section 98	3 August 2009	2009/1842
Section 99	3 August 2009	2009/1842
Section 100	3 August 2009	2009/1842
Section 101	3 August 2009	2009/1842
Section 102	3 August 2009	2009/1842
Section 103	3 August 2009	2009/1842
Section 104	3 August 2009	2009/1842
Section 105	3 August 2009	2009/1842
Section 106	3 August 2009	2009/1842
Section 107	3 August 2009	2009/1842
Section 108	3 August 2009	2009/1842
Section 109	3 August 2009	2009/1842
Section 110	3 August 2009	2009/1842
Section 111	3 August 2009	2009/1842
Section 112	3 August 2009	2009/1842
Section 113	3 August 2009	2009/1842
Section 114	3 August 2009	2009/1842
Section 115	3 August 2009	2009/1842
Section 116	3 August 2009	2009/1842
Section 117	3 August 2009	2009/1842
Section 118	1 December 2008	2008/2993
Section 119 (partially)	1 January 2009	2008/3260
Section 120 (partially)	1 January 2009	2008/3260
Section 121 (partially)	1 January 2009	2008/3260
Section 123	1 February 2009	2009/140
Section 124	1 February 2009	2009/140
Section 125	1 April 2009	2009/860

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 126 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Section 127 (partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Section 129	3 November 2008	2008/2712
Section 140	14 July 2008	2008/1586
Section 141	14 July 2008	2008/1586
Section 142	14 July 2008	2008/1586
Section 143	1 April 2009	2009/860
Section 145 (partially)	31 October 2009	2009/1028
Section 146	1 April 2009	2009/860
Section 148 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	19 December 2008	2008/3260
(partially)	26 January 2009	2008/2993
(partially)	1 February 2009	2009/140
(partially)	1 April 2009	2009/840
(partially)	27 April 2009	2009/860
(partially)	8 July 2009	2009/1678
(partially)	3 August 2009	2009/1842
Section 149 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	1 April 2009	2009/860
(partially)	27 April 2009	2009/860
Schedule 1 (partially)	1 April 2009	2009/860
Schedule 5	14 July 2008	2008/1586
Schedule 6	3 November 2008	2008/2712
Schedule 8	14 July 2008	2008/1586
Schedule 9 (partially)	1 February 2009	2009/140

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	1 April 2009	2009/840
Schedule 10	19 December 2008	2008/3260
Schedule 11	3 November 2008	2008/2712
Schedule 12	14 July 2008	2008/1586
Schedule 14	26 January 2009	2008/2993
Schedule 15	14 July 2008	2008/1586
Schedule 20	1 December 2008	2008/2993
Schedule 22 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Schedule 23 (partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
Schedule 24	14 July 2008	2008/1586
Schedule 25 (partially)	31 October 2009	2009/1028
Schedule 26 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	15 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	26 January 2009	2008/2993
(partially)	27 April 2009	2009/860
(partially)	8 July 2009	2009/1678
Schedule 27 (partially)	9 June 2008	2008/1466
(partially)	14 July 2008	2008/1586
(partially)	1 December 2008	2008/2993
(partially)	19 December 2008	2008/3260
(partially)	26 January 2009	2008/2993
(partially)	1 February 2009	2009/140
(partially)	1 April 2009	2009/860
(partially)	3 August 2009	2009/1842
Schedule 28 (partially)	14 July 2008	2008/1586
(partially)	3 November 2008	2008/2712
(partially)	1 December 2008	2008/2993
(partially)	1 April 2009	2009/860
(partially)	27 April 2009	2009/860

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	8 July 2009	<a href="#">2009/1678</a>